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A SHORT HISTORY OF THE AMERICAN PEOPLE

BY

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1492-1860

WITH MAPS

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PREFACE

IN preparing a comparatively brief account of American history before the Civil War the chief problem has, of course, been one of selection and emphasis. While I have tried constantly to keep close to the sources and to use these for purposes of illustration, my debt is heavy to the many special students who have thrown light on difficult problems. In certain cases these researches place events in a new light and justify an attempt to bring them into a single narrative. Without unduly extending the limits of this volume, it has been impossible to acknowledge the full extent of this debt. Footnotes are used only when the matter is controversial or when the debt of the present author is especially direct. No one can write the history of the United States before the Civil War, without a special obligation to the ideas of such students as Professor Frederick J. Turner or without using documents for which he is indebted to other scholars.

Fortunately, a great theme like American history can be approached from many angles and no author can ever hope to write a final account. It is a truism to say that the events of every changing present bring the whole past into a new perspective. The present volume seeks to emphasize the lines of development which are dominant to-day. For example, the attempt of the United States to remain a neutral in the Napoleonic wars has gained a curious timeliness from recent events.

An effort has been made to do full justice to social and economic forces, not by separate treatment, but in vital relation to political and constitutional growth. But here is no mere economic interpretation of American history. In discussing such events as the causes of the Revolution, the elements of human feeling and emotion, vague and imponderable as they are, have been weighted more heavily than cold calculation of gain or loss or than differences of legal and constitutional interpretation, which few men probably understood.

The general treatment has been chronological, but I have not hesitated to depart from strict chronology when necessary to make clear the essential unity of a topic. Thus in the first chapter the discovery of America is regarded as a long process which began before Columbus and did not end until the nineteenth century. The expeditions of Mackenzie and of Lewis and Clark have been placed side by side with those of Cabot and Magellan.

While I have given an interpretation of facts as well as the facts themselves, I have always tried to make clear the difference between the facts and the interpretation, and where the latter is at variance with widely accepted opinion, as in the treatment of the great debates between Lincoln and Douglas, the evidence in the case has been given more fully than usual, and the other point of view has also been stated.

On account of the many lists of books dealing with this period of American history, it has not seemed worth while to make another. For authorities and bibliography, the reader is referred to Channing, Hart, and Turner, *A Guide to the Study and Reading of American History*, and to the admirable bibliographies in the various volumes of the *Chronicles of America*.

Care has been taken to avoid serious errors, but for

those which must be present in a volume dealing with so long a period, the author alone is responsible. For constant encouragement and wise editorial revision, I desire to acknowledge a heavy debt to Major George Haven Putnam, who planned the present work and who has read the material in manuscript.

A second volume dealing with the more recent period is in course of preparation. In that volume greater space will be given to American literature and invention, in some cases carrying the story back into the period covered in the present volume.

R. G. C.

April 2, 1925.

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A Short History
of the American People

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CHAPTER I

THE PROCESS OF DISCOVERY

AMERICA had certainly been discovered at least twice before Columbus, and very likely several times. But from the point of view of Europe it had not managed to stay discovered. First, at some remote time had come the ancestors of the Indians. It seems to be generally agreed among competent students, that human life in this continent is comparatively recent. The moundbuilders whose interesting remains are found in many places in the Mississippi valley are unquestionably a people entirely similar to many other tribes of American Indians. Supposed discoveries of pre-glacial men have not stood the test of critical investigation. It is probable that the ancestors of the American Indian were an Asiatic race reaching the continent perhaps after a long and weary pilgrimage by way of Bering Strait. A recent student suggests that the endurance and the stolidity of the various American races may be due to a process of selection in the frozen north, where the long Arctic night weeds out the sensitive, the vivacious, and the nervous.

Having once reached the continent now known as

America, the Indian spread in a mighty migration to every part of it. It seems reasonably clear that the Incas of Peru, the Mayas of Yucatan, the Aztecs of Mexico, as well as the Iroquois and all the other primitive peoples of the two Americas, are fundamentally one race.¹ They had discovered the western continent, but it did not stay discovered. It was not merely that they had no way of carrying back the story. It was rather that there was no one to whom they could tell it. By the time that they had really occupied their new home, so many generations had passed that no one knew that they had any story to tell. So they, the original discoverers, remained to be themselves objects of discovery. In the South their civilization and racial qualities became blended with those of Spain to produce new racial types. In the North, like the forest and the prairie and the frontier, they became the anvil on which were hammered out those qualities of hope and of cheerful endurance which from the days of the pioneer we like to believe typical of America.

Hundreds, perhaps thousands of years were to pass before we reach the second discovery of the continent. In the tenth century bold, heathen sailors of Norway discovered Iceland and planted there a colony connected with the homeland by the precarious bond of occasional trips of vessels, half sailing ships and half rowboats. Without compass or astrolabe, the hardy Northmen pushed out into the sea and placed colonies in the mighty land of Greenland. Finally, in the year 1000, one of those dates which seems to have been predestined for

¹ The question of the origin and unity of the primitive peoples of America is one which cannot be regarded as solved. The view given above is the one usually accepted. Theories of diverse origin have been warmly defended. See especially, Farrand: *Basis of American History*, Chapter V, for a brief review of the evidence.

easy memory, Leif the Good, son of Eric the Red, having gained the advantages of Christianity, sailed from Iceland for Greenland, the first missionary into the west. The story of his adventures was not written for more than three quarters of a century, and even that first account has long been lost; but the narrative comes to us in second hand quotations which agree so well that they carry conviction. In a surer fashion, the story became a legend and was handed down from generation to generation in the folk tales of the North, only to be recorded in written form more than three hundred years after the events they celebrate. It was an age when conversation had not yet become a lost art, swallowed up in the mighty sea of printer's ink. Half legend, half history, like the *Iliad* and the *Odyssey*, full of details which could scarcely be invented, the Sagas preserved the story of Leif's discovery. Missing the southern end of Greenland in the storm, Leif found a land where the wild rice grew, a land of wild grapes, to which in contrast with the bleak shores of Greenland, he gave the name Vineland the Good. The people were a strange race of men whom the Northmen called Skrellings. Seven they found asleep upon the beach, and slew them, fearful that they might prove infidels.

But the country did not remain discovered this time either. The northern route was far too cold and dangerous. Norway was not advanced enough politically to take advantage of the new found empire. Perhaps the climate changed. Above all the peoples of Europe had not yet been touched by the magic spirit of the Renaissance. Even the thrifty colony in Greenland disappeared. And the adventures of the Northmen remain for us preserved in certain ruins among the ice of Greenland, in some Norwegian or Icelandic customs among the Esquimaux, perhaps even among the northern

Indians of the mainland; and above all in the majestic simplicity of the folk-tales of the North. As often, the things that endured were largely products of the human mind, touched by the brilliant colors of dreams and of imagination.

Any real discovery was to wait for a people with a great hunger, to whom the invention of printing had given memory, and for whom the creation of great national states had developed power. It was to come not by cold northern routes, but through the South. It was to be the gift of the past to the living present, of the East to the West.

From a certain point of view, its relation to Asia has been the determining factor in the history of Europe. Greece gained wealth and glory by the conquest of the Persians. The Roman Empire lived on the plunder of Asia Minor, and finally recognized the importance of its Oriental provinces by a capital which stood for a thousand years at the very gate of Asia. The failure of this systematic plunder, reaching sometimes two hundred millions sesterces in a single year, was at once the symptom and one of the causes which led to the fall of Rome and to the coming of the middle ages. The poverty of life in the years which followed was in sharp contrast to the luxury which men had once known in the Age of Pericles and again under Imperial Rome. In huts of peasants and in the fortresses of the nobles hard beds, bleak surroundings and coarse manners destroyed much of the beauty and the joy of life. It was the genius of feudalism to make each unit self-sufficing, and commerce all but disappeared in an age when travel often spelled death. Even if men could travel there was no gold with which to buy things. They must live on what they could produce beneath the precarious shelter of a castle. The East with its spices,

its rugs, its frankincense and myrrh, seemed like a dream of a forgotten glory. For food the people of the early middle ages consumed at feasts incredible quantities of meats, beef, the flesh of the wild boar, venison, coarse rye bread, and ale. Even salt was often very scarce, and spices were prized like precious stones. Kings' ransoms were sometimes calculated in pepper. In a later day, Latimer, about to die at the stake, gave nutmegs to his close friends for keepsakes. As for vegetables, except beans and peas, all these were added to the ordinary menu after the discovery of America. The introduction of potatoes and tobacco into Europe is probably the humble but only important result of Sir Walter Raleigh's ill-fated colony on the coast of North Carolina.

To such an age came like a great vision the two hundred years of crusading enthusiasm, creating new interests, breaking down the petty localisms which underlay feudalism, secularizing the minds of men even in the midst of a great religious fervor, above all bringing the poverty and uncouthness of Europe again face to face with the wealth, the culture, the luxury of a forgotten Asia. The men of the crusades never quite forgot the taste of cinnamon or pepper nor the beauty of Oriental fabrics, and, after three centuries, the quest of new lands was in its last analysis a search "for spices, for Christians, and for gold." Vasco da Gama announced as he landed on the shores of India: "We come seeking Christians and spices." Columbus in his first letter said that he thought he had discovered Cathay, though he had not reached the actual capital of the great Khan. "In this land there is incalculable gold; and concerning this and the rest I bring Indians with me as witnesses. . . . And I believe that I have discovered Rhubarb and cinnamon." "Gold is excellent; gold is

treasure, and he that possesses it does all that he wishes to in this world, and succeeds in helping souls into Paradise." In that sentence there spoke a man who stood at once the heir of the ages which were passing and the prophet of new ages yet unborn.

The thirteenth century at the close of the crusades is by common consent regarded as one of the great centuries in the progress of the human spirit, perhaps second only to the fifteenth and the nineteenth. It was the century of Magna Carta and of the first meetings of Parliament. Religion found expression at once in lofty cathedrals whose glory has never been surpassed, in the great scholastic treatises of Thomas Aquinas and in the simple childlike life of St. Francis of Assisi, and modern science saw its beginning in the imagination of Roger Bacon. If scholarship was mislaid in the half barren wastes of scholasticism, the minds of men were quickened by foreign travel and their comforts were increased by the beginnings of commerce. The Italian cities, Venice, Genoa, Pisa, Amalfi, became the rich market places of the world and the center of new ideas.

All of this was closely related to events which were taking place in another part of the world. Jenghiz Khan, probably the greatest of the world's conquerors, died in the year 1227, having welded together under his ruthless sway the vast stretches of eastern and central Asia. The Empire of the Mongols at its height stretched from Peking to the city of a hundred kings, imperial Delhi, and from the highlands of Asia Minor and of Persia to the great rivers of China and the unknown stretches of the great Pacific. The later Mongol Khans were softened by the superior and ancient civilization of China as well as by their bitter rivalry with the Arabs in the West. They welcomed western travelers. To this day may be seen in the archives in Paris letters of in-

vation sent by the great Khan, from Pekin by way of Persia, to his great and good friend the King of France. This hospitality endured only a short time until the conquerors had lost their supremacy and had been converted to the religion of Mohammed. But while it lasted, Asia in its farthest parts was again opened up to the wondering eyes of Europe and the Mongols became all unconsciously the forerunners of Columbus. To central and eastern Asia went a steady stream of missionaries, of ambassadors, of travelers with the eyes of a new curiosity, of merchants with rare instincts for a bargain.

Of these travelers and merchants the most famous were the Polos, the uncle and the father of the young Marco Polo who accompanied them. Leaving Venice in 1271, by way of the valley of the Tigris, through the highlands of Bokhara, our travelers finally reached the court of Kublai Khan in the ancient Chinese city of Pekin. Received with courtesy by the great Khan, the young Marco, at least according to his own account, became a great favorite, a member of the Privy Council, a trusted ambassador to distant parts of the great Empire. After more than twenty years, the Polos found a lucky chance to escape from the burdensome hospitality of their all too friendly hosts. They returned to Venice by routes never before traveled by Europeans, with adventures which rivaled those of the Arabian Nights and with a fortune in pearls and precious stones sewed up in the lining of their thrifty Venetian coats. Some years later, Marco Polo was made a prisoner by the rival city of Genoa. All the city came to listen to his tales, which we can well believe had lost nothing of interest in the meantime. And in the seclusion of his prison he wrote down the famous story, one of that long series of great books, like Bunyan's

Pilgrim's Progress, or Hugo Grotius on *War and Peace*, which have owed their origin to the enforced leisure of a prison cell. Printing was introduced into Europe, or perhaps invented, about 1450.¹ In 1477, the book of Marco Polo the Venetian at last found its way into print. In the library at Salamanca there exists an almost priceless copy which bears on the margin notes in what is believed to be the handwriting of Christopher Columbus.

After the thirteenth century, other Khans arose who knew not Polo, and who looked with no friendly eyes on strange visitors from the infidel west. Trade became indirect. For two hundred years the dyes, the rugs, above all, the spices of the East reached Europe after long journeys in the caravans and ships of the Arabs. Every year of increasing order and stability made the luxuries of the East more necessary to the growing wealth of Europe. There were three chief routes from Asia to Europe. The first in the North led from the highlands of central Asia across the Caspian and to the Black Sea. From the Black Sea, goods were carried to Constantinople to be distributed to Europe by the merchants of Venice and of Genoa while other vessels sailed directly up the great rivers of Russia to meet the merchants of the North at great fairs. A second great trade route led directly across Asia by caravan to Damascus and thence to Antioch and the other ports of Syria. But the cheapest and the easiest trade route lay in the South. The caravans from Bokhara with rugs and precious stones wound their leisurely way

¹ Gutenberg introduced the improvement of movable type in that year which gives him a place as the inventor. But the use of type seems to have been known previously in China, and the introduction of paper probably made that of printing inevitable. See Putnam, *Books and their Makers in the Middle Ages*.



A Map Showing the Mediæval Trade Routes across Asia

through what is now Afghanistan and through the rugged defiles of the Khyber Pass, reached the rich land of the five rivers where mighty Indus starts his half choked way through the desert sands of Sind to the distant sea. In southern India these caravans met the spices of the Moluccas and the pepper of Calicut. From there Arab ships sailed across the Indian Ocean and by way of the Red Sea and reached the great marts at Mecca, at Cairo and at Alexandria. Every one of these routes involved the action of many middlemen, and the actual sources of the goods had often been quite forgotten. John Cabot said that he was once at Mecca, "whither the spices are brought from distant countries; and having inquired from whence they were brought and where they grow, they answered they did not know, but that such merchandise was brought from distant countries by other caravans to their home; and they further say they are conveyed from other remote regions." All this involved not only uncertainty but expense and gave a very direct economic motive for the discovery of new routes by water.

With the passing years, political events as well began to predestine the finding of the new world. The conquests of the Turks extended farther and farther. They occupied Asia Minor, then the Balkans, until in 1453 the city which had seen the setting glory of the Roman Empire fell into their hands after the most famous siege in history. Rough and savage as they were, the Turks did not wholly close the ancient trade routes and the important avenue through Egypt did not finally fall into their hands until a quarter of a century after Columbus. But they undoubtedly added greatly to the expense of transportation and to the difficulties of travel. The commercial genius of Genoa and Venice began to grow dim. Along the Atlantic seaboard,

centralized authority in the hands of the kings of Portugal, of Spain, of France, and of England was gaining the strength which was needed both to make discoveries and to make these count. And so it happened that the first great name in the process of modern discovery is that of Prince Henry of Portugal who added to the temper of the Crusader the eagerness for gain and the insatiable curiosity of the modern world. Farther and farther his captains felt their cautious way down the coast of Africa, aided by the compass which had been introduced from an eastern source by the Italian city of Amalfi, helped too by the astrolabe which measured the elevation of the north star and so aided in the calculation of latitude. All these prepared the way for Bartholomew Diaz who finally rounded the Cape of Good Hope in 1488. The marriage of Ferdinand and Isabella united the chief sections of Spain, and the Spaniards showed their new strength by a successful war against the Moors. It was no accident in dates that the son of the wool-carder of Genoa, after years of disappointment, at last gained the ear of the great queen, as she sat encamped before the walls of doomed Granada on a day big with fate in the spring of 1492.¹

The chief interest of the great adventure on which Columbus had embarked does not lie in the courage or determination of the leader, great as these were. Heroic deeds have fortunately been common. But the enterprise of Columbus stands alone among the great events of history in having all the quality of a definitely planned and well reasoned scientific experiment. Columbus was superstitious. He was ignorant of many things which today seem very commonplace. In his underlying

¹ The most suggestive account of the background for the discovery of America is Becker: *The Beginnings of the American People*, Chapter I.

thesis he made a fortunate error as to the size of the earth. But in the fundamental and determining qualities of his mind there breathes the spirit of the Renaissance; in his own time and way Columbus was a true spiritual brother to Copernicus, to Erasmus, to Petrarch. George Burton Adams has finely said that "it was the function of the Renaissance to change the mediæval man into the modern man; to awaken in man a consciousness of his powers and to give him confidence in himself; to show him the beauty of the world and the joy of life; and to make him feel his living connection with the past, and the greatness of the future which he might create." It had been the weakness of the learned men of the middle ages to value knowledge for its own sake instead of using it as a stepping stone to new knowledge and new achievement. Petrarch has described with infinite contempt the mediæval commencement in words that are still suggestive: "The youth ascends the platform mumbling nobody knows what. The elders applaud, the bells ring, the trumpets blare, the degree is conferred, and he descends a wise man who went up a fool." The age in which Columbus lived, as it found expression through its choicest spirits, valued all knowledge as much as the thirteenth or any other century. Its curiosity was boundless. But somehow the children of the Renaissance had the ability to turn all knowledge into gold; to make truth suggest further truth. In the dim vistas of the rediscovered past the future ever beckoned, full of hope and inspiration.

The idea that the world was round had been, of course, quite clearly taught by the Greeks and Romans. Strabo, a Greek geographer of the first century, had said: "The temperate zone makes a continuous circle by uniting with itself, so that, if the great size of the sea did not

prevent, we might sail from Spain to India on the same parallel of latitude . . . and it is possible that within the same temperate zone there may be two or even three inhabited lands, and particularly in the neighborhood of the parallel drawn through Athens." Shortly after Strabo, the Roman poet and philosopher Seneca wrote words of striking prophecy in his play *Medea*: "In late years the time will come when Ocean will loose the bands of nature, and the earth will stretch out huge, and the sea will disclose new worlds." But the early middle ages were a time in which common sense and superstition were curiously blended, and these ideas had been lost. The world certainly looked flat. Therefore flat it was. Then too did not the Bible speak somewhere of the four corners of the earth? How could anything round have corners? Gradually the idea of a sphere had reappeared, aided by the authority of the great name of Aristotle, and supported by the observations of practical men. It was a common notion among thoughtful men, as is shown by the fact that the first globe was made in the same year in which Columbus made his first voyage. There used to be a legend that Columbus received his ideas from an Italian scientist, the Florentine Toscanelli. But recent criticism shows the so-called Toscanelli letter to be one of the very many forgeries connected with this great adventure.¹ It is probable that Columbus gained his fundamental notions as we all gain ours, almost unconsciously, from travel, from reading, and from the gossip of the seaports. It was his glory not so much to have rediscovered an idea as to have used it for so great an end.

After all is said, the lands which Columbus discovered were not to him America at all. To him and to the people who helped to celebrate his deeds islands had

¹ See Vignaud: *Toscanelli and Columbus*. N. Y. (1902).

been found in the sea, islands which men pictured with the eagerness of hope lying off the shores of Asia and within easy reach of the cities and great rivers of which Marco Polo had told them two hundred years before. We do not at first easily realize how slow a thing this discovery was, nor how many men took part in it. For the discovery of America is not a fact, but a process, prepared for through the centuries, and falling into three stages: first the time when men fondly believed, among doubts which must inevitably have arisen, that they had discovered Cipango and the wealthy regions of the Grand Khan; then a time of deep discouragement when these new lands seemed a barrier through which courage might yet find a path to the spice islands of the East; and then at length the day when the great continent came to be prized for its own sake and searched by those who sought its wealth:—hidden fountains of youth, or cities rich in gold and silver, or perhaps, at last, broad fertile lands where freemen might plow the soil and establish their institutions.

One of the chief puzzles connected with the story of Columbus is the persistency with which he continued to believe that he had really discovered Asia and the equal certainty with which he seemed to hold the opposite theory that he had stumbled on a new world, *Mundus Novus*. But to him these two ideas probably contained no real opposition. An examination of a large map will show that India and southern Asia lie in about the latitude of Mexico. Now Columbus on his third voyage sighted a strange coast to the south and put into the mouth of a mighty river. The size of the stream indicated a continent of vast extent, for he had found the coast of South America and entered the estuary of the Orinoco. For islands off the coast of Asia he was quite prepared; he was also prepared for the mainland north

of and behind these islands. But what was this great body of land, south of India, of which Marco Polo and his fellow travelers have given no hint? Here was indeed not any part of Asia. It could not by any chance be Africa, for Africa lies far to the west of India (and we are to remember that Columbus believed himself to be in the Indian Ocean as firmly as he believed himself to be destined for Paradise). This then was a new world, *Mundus Novus*, the fourth part of the earth. There is something of the scientific temper in the readiness with which Columbus now changed his original hypothesis to meet new and unexpected facts. All the evidence at his command had indicated a much smaller world than really exists. On such a globe there is no room for a continent as great as he had discovered south of India. The world then is not round, it must be pear shaped, with the stem turned south, so wrote Columbus, and who knows? Perhaps on the very tip there is to be found the earthly paradise long dreamed of by the poets, with its golden streets, its magic palaces, and its fountains of eternal youth. But with true scientific caution Columbus concludes; lest he deceive: "All this I do not state as certain, nor do I pretend to be the fountain head of information." Of one thing he was at least certain: "The lands in this part of the world, which are now under your majesties' sway, are richer and more extensive than those of any other Christian power. . . . I was twenty-eight years old when I came into your Highnesses' service, and now I have not a hair upon me that is not gray; my body is infirm, and all that was left to me as well as to my brothers, has been taken away and sold, even to the frock that I wore, to my great dishonor. The restitution of my honor, the reparation of my losses, and the punishment of those who have inflicted them, will redound to the honor of your

royal character . . . and the memory of your Highnesses, as just and grateful sovereigns, will survive as a bright example to Spain in future ages."

At the time of the discovery of the Orinoco in 1498, a map by any competent geographer would have shown, as some of the older maps do show, Asia, with Cipango and Cathay and India. Out in the ocean lay the new islands, Cuba, Porto Rico, Hispaniola, discovered by Columbus, and far to the south a great continent, a new world to which in time by curious accident was to be applied the name America. For the first America was South America alone, and it lay in the minds of men in something like the position of Australia.

After his imprisonment and just before his death the great Genoese was to make one more journey to the puzzling regions to which many ships were now turning their westward prows. As he sailed along the coast he found that his new world was connected with another great mass of land in the north. This certainly did not fit in with the theory of a new continent south of Asia. Could it be that this land to which the Venetian, John Cabot, had sailed in the service of the thrifty Tudor King of England, was not Asia at all, but also a part of the new world? Were the spice islands still far away? Was all this discovery but a mighty barrier cutting off access to the wealth and the luxury of the fabled East? Doubts like these must certainly have touched the mind of the dying sailor, but if Columbus ever doubted that his dreams had come true and that he stood in true line of succession to Marco Polo as rediscoverer of Asia, he gave no sign. Old men do not readily change their fundamental conceptions, even when there flows in their veins the ever youthful spirit of the Renaissance. In the year when Columbus died, a map was published by his brother which doubtless summarized what he and

many other men believed to be the final contribution of his life to knowledge. In this map, as we might well expect, we find South America, marked *Novus Mundus*, and connected by a long tongue of land with Asia in the north. Off the coast there lie the islands which were now the familiar scene of the first European colonies in the new world.

The chief rival to the Asiatic theory of Columbus was the idea of a barrier between Europe and the East. In some ways this notion is even older than Columbus. As early as 1480, a company of sailors had set out from the English port of Bristol to find new islands on the sea. After three months of adventure the little vessel returned without success. The first voyage which was founded on this theory is the dimly known adventure of John Cabot. When Irving published his life of Columbus, Chancellor Kent, well known to lawyers, finished his review by saying somewhat naïvely that the life of Columbus was now as well known as that of Noah and that no further study of it would ever yield results. Today, as a result of the critical study of the sources, the same life could be written with much greater brevity. But after all, Columbus was a born writer, with great gifts of expression, and he has left to our day direct accounts of his chief exploits. John Cabot appears for a single moment on the page of history and then disappears silently into the shades of mystery. The sources for the voyage of Cabot are only two: First, some records in the careful account books of King Henry the Seventh, founder of the Tudor line in England, in which the most important is an entry in 1497, of "Ten Pounds to him that found the new Island." (Such was the rich reward to him who founded the English claims to the new world.) In the second place, some few letters from a Venetian, a Milanese, and a Spaniard, merchants living in London,

telling about the return of the little vessel after a voyage to what seemed a new continent. One of these, Soncino, had talked to John Cabot, who planned another voyage to the new lands, and through them to the Spice Islands of the East. The sailor had told the watchful Italian that a day would come when London would be a greater mart for spices than Alexandria. A patent for this second voyage was issued by the King, but there is nothing directly to show that it was ever made. The maps of the period indicate a considerable knowledge of the coast of North America, and a part of that knowledge may be due to a second voyage. Some have argued from the silence of all the records that Cabot sailed again only to meet his death in the cold waters of the North Atlantic. Perhaps, after one journey in a little vessel manned by eighteen men, even the bold Venetian felt that ten pounds was not quite enough, and left the service of the King. Let us hope so. At any rate in after years his son Sebastian became a great pilot and a map maker in the service of the King of Spain. A tradition grew up in Spain that it was Sebastian who had found the new lands. Such a claim is made on a portrait of Sebastian which has come down to us, as well as on the map which Sebastian is supposed to have made many years after the events of 1497. It is perfectly possible that John Cabot took his young son along and that in his later stories the son was claiming credit a part of which really belonged to him. But the original records make it quite clear that the first discovery of the mainland of the Continent was due to the courage of the father rather than to the rare imagination of the son.

One year after Cabot had returned to the port of Bristol, the Portuguese were at last successful and Vasco da Gama reached India by way of the Cape of Good

Hope. This eastern route had been assigned by the Pope to his good son, the King of Portugal, and it was with natural though half concealed exultation that the new King of Portugal wrote to his Cousin of Spain that his servant Da Gama had found the real Indies, with great cities, long desired. "Of spices they have brought a quantity, including cinnamon, cloves, ginger, nutmeg, and pepper!" At that moment all the rich hopes of Spain seemed to turn to ashes, for years were to pass before the conquest of Montezuma and the discovery of the rich silver mines of Mexico and Peru.

While Portugal was reaping the rich rewards of the prowess of her sons, Spain was colonizing Santo Domingo and using it as a base for new expeditions. Her captains became familiar with the coasts of the Caribbean, while as yet no one knew how far to the west the continent extended. Among all these men the most romantic figure is that of Vasco Nuñez de Balboa. He had come to Hispaniola, the present Santo Domingo, to try his hand at the business of a planter. Apparently his crops did not prosper, his creditors were pressing him, and a debtor's prison in the tropics was staring him in the face, when he heard that the old lawyer Enciso was about to lead a new expedition to the neighborhood of Panama. It was the ruined debtor's chance for glory, and when the vessel was a day out from the port of Santo Domingo, from out a water cask appeared the head of the future discoverer of the Pacific, the most famous stowaway in history. In the new land, by sheer force of character, in spite of low birth in an age which revered birth even more than energy, Balboa made himself master of the situation. If food was to be gained Balboa knew where to get it. If Indians were to be fought, it was the sword of Balboa which was sharp and his soul which was ruthless. He alone had the tact and the daring to keep

alive in his followers the soul of adventure and the hope of gain. In a mass meeting the weak Enciso was deposed and sent back contemptuously to lay his grievances before the King of Spain, accompanied by a remarkable letter from Balboa, requesting the King to allow no more "bachillers of law to come to the Indies, for no bachiller has ever come here who was not a devil and who led the life of a devil." A new governor soon appeared in the person of the well born Nicuesa. Him Balboa placed on a small boat and frightened away with a few days' provisions. Nicuesa disappeared, swallowed by the sea, and the self-appointed leader now had leisure for his great adventure. He had married the daughter of an Indian chief and from her he learned the rumor that another sea was not far away. Through the trackless jungle, by a route still closed to civilized men, Balboa pushed until the mountains were reached from whose summits the Indians said he might discern the endless sweep of mighty waters. Like Peary in our own day, the debtor of Hispaniola wanted to be the first to reap the knowledge he had come to gain. Leaving his men behind at the foot of the last slope he climbed until the ocean swept before him as he stood silent on a peak in Darien. It was ten o'clock in the morning on the 25th of September of 1513, and much of the secret of America had now been revealed. Four days later Balboa stood in the waters of the Pacific and claimed it in the name of his master the King of Spain. The Indians told of rich cities full of gold in the land of Peru far to the south, and Balboa was building ships to anticipate the expedition of Pizarro, when word came that he was summoned to meet a new Governor who had arrived at the Spanish settlement on the coast. He was advised to flee and to make his defense with gold in his hands, but with characteristic courage he turned back to meet this new danger

boldly. But his doom was already sealed, his own men restive under discipline turned against him. As he entered the town he was arrested. That night a hasty court martial assembled, condemned him for mutiny and treason against the king, and under the first rays of the rising sun, his head fell beneath the axe. It is recorded that the jealous governor looked on the scene through the half closed shutters of his house.

After the news of the discovery of Balboa reached Europe, the maps show interesting changes. The whole of America is now one continent. But the whole northern section is narrow, in no place wider than Mexico, and America is separated from Asia by a Pacific which in many places is scarcely wider than a strait. It took another three hundred years before these two illusions were quite dispelled, and the process was complete.

In the year 1519, Magellan the Portuguese, appeared at the Court of Charles, later to be known as the Emperor Charles the Fifth. He had previously appealed to his master the King of Portugal, but Portugal had already a perfectly good sea route to the East and naturally was not especially interested. And had she not already sent two of her best sailors, the two brothers Corte Real, out into the sea to find a passage through the barrier? First Gasper, and then in quest of him Miguel, and neither had ever been heard of again; and that too in an age when skillful sailors were greatly prized. But to Charles, who looked on life with the broad vision of the wide-eyed Isabella, it was a different matter. He had to have a passage if he was to get through at all. And how was he to know that in that very year Cortez in Mexico was to find wealth which would make the fabled gold of Ophir seem like mere child's play? Magellan, well born, small and dark, with quick eager ways and a soul of iron, came armed with a



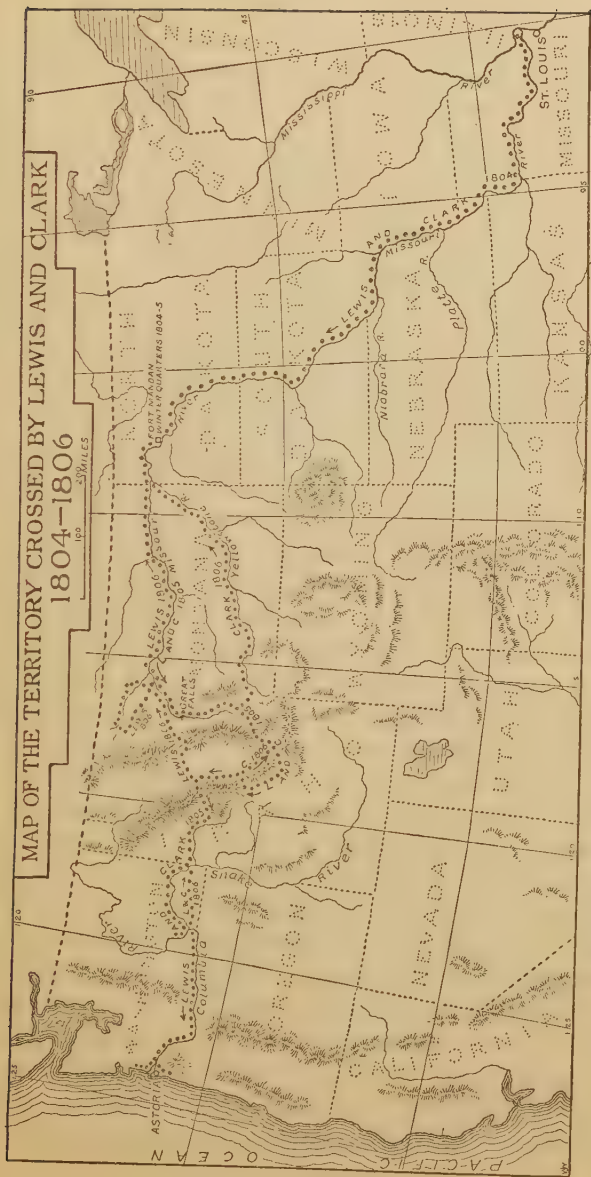
Schöner's Globe (1520)

globe on which he had marked his route, except the place where he expected to find a strait, lest some one should anticipate him. Perhaps it was the beginning of a movement which finally led another nation to dig the Panama Canal. At any rate, he met with few of the difficulties of Columbus, and was soon supplied with five ships, with rascally crews from every port and prison of Europe. Three years later one of these ships, covered with barnacles and scarcely seaworthy, was to come limping into a Spanish port with such a tale of adventure, of cold southern winters, of mutiny, starvation and death as the world had never heard; above all with twenty-six tons of cloves, enough to pay all the losses of the expedition and to leave a rich profit for the thirty-two sailors who remained from the two hundred odd who had followed Magellan into the unknown seas. Strangest of all their gains, a day had been picked up somewhere in the sea; "We touched at the Cape Verde Islands . . . and the inhabitants told us it was Thursday, which was a cause of great wondering to us, since with us it was only Wednesday. . . . But we were afterwards advised that there was no error on our part, since as we had always sailed towards the west, following the course of the sun and had returned to the same place, we must have gained twenty-four hours, as is clear to any one who reflects upon it . . ."

Magellan himself had been killed in the Philippines. The expedition had landed in one of the islands and setting up a great wooden cross had baptized the inhabitants. To this rite they submitted with what grace they might and even with signs of pleasure. But when their fishing failed they thought they had been tricked and that these were not men from heaven. The Spaniards were driven to the shore, and on the beach, guarding the rear, ever in the point of danger, Magellan, last to

embark, had fallen, his body pierced by seven spears. As the two remaining vessels sailed away they could see on the far horizon the blaze of the burning cross, as the natives made merry over their hard gained victory. To any one who wishes to read a vivid narrative of great adventure, can be recommended the Chronicle of Pigafetta, the knight of Rhodes, who, finding himself in Spain, in the year of the nativity of our Lord, 1519, "to experiment and see with mine own eyes a part of the awful things of ocean," out of sheer curiosity, joined the expedition which was destined to make the first voyage around the world.

A great ocean swept between Asia and America, and the dream of the dead Columbus was dispelled. But not even now did any one truly estimate the great breadth of the lands north of Mexico. Spanish explorers like the stranded Cabeza de Vaca crossed the southern part of the United States about 1530; ten years later at almost the same moment Coronado marched northeast from Mexico into Kansas, while DeSoto crossed the Mississippi and perhaps almost reached the same point from the east. One and a half times unfortunate De Soto crossed the mighty stream and found a silent grave beneath its muddy waters. But somehow these discoveries were not correlated and allowed to tell their true story. Men could not believe the breadth of the continent, partly because no great rivers crossed it from east to west, partly because, until comparatively recent times, measurements of distance were always much more accurate for latitude than for longitude. Marquette, Joliet, La Salle, believed, in the valley of the Mississippi, that if they could go just a little farther west from the crest of the next range of hills, they too, like old Balboa, would behold a great sea with ships. As late as 1740, two young French hunters, the La Veren-



A Map Showing the Territory Crossed by Lewis and Clark. (1804-1806)

drye brothers, in the service of the King of France, took up the task and pushed out into the northwest, wandering for many weary days, with the Indians of the Dakotahs. They left a record of having discovered some great mountains, from which they too believed that the ocean might be seen, and they planted at the farthest western limit of their march, a leaden plate with the fleur de lis of France. It was long supposed that these brothers were the first white men to see the Rocky Mountains, and maps were so marked.¹ In 1913 two school girls of Pierre, South Dakota, hunting flowers, stumbled across a piece of lead, which proved to be the memorial left on the spot by the La Verendrye brothers 173 years before. They had crossed only half the northern continent, and had discovered the Black Hills of South Dakota.

It was left for three recent explorers to complete the work which Columbus had begun. Mackenzie, in the service of the Hudson Bay Company, tried to find a river leading to the western sea. In this quest he followed for two thousand miles the frozen wanderings of the stream which ever after bore his name. It led him north and not west, and by a curious coincidence in dates, on the fourteenth of July, 1789, day ever memorable for the fall of the Bastille, he reached the northern limits of the continent, and saw whales sporting in the waters of the Arctic. Turning back, after four years of effort, he finally reached the Pacific through what is now the Canadian Province of British Columbia. Ten years later, under the inspiration of Thomas Jefferson, Lewis and Clark found a route to the west by way of the valleys of the Missouri, the Snake, and the Columbia rivers, at once helping to gain a great empire for the new Republic, and completing the task of many centuries. America had at last risen, dreamlike, from the sea.¹

¹ For the Spanish explorers, see especially Bourne, *Spain in America*.

CHAPTER II

THE BEGINNINGS OF THE AMERICAN PEOPLE (1606-1661)

IN the year 1603 the great Elizabeth was dead, and the pedantic Scotch King James was riding down through the length of England to occupy the throne. These events were almost as important for the future of the new world as they were for the old. For, in the first year of his reign James made peace with Spain, and the abounding energies of the English people turned from the half piratical adventures of Drake and Raleigh to the establishment of a new nation across the seas.

For a hundred years after the discoveries of the end of the fifteenth century, the monopoly of Portugal in the East and of Spain in America had been unbroken. The other nations were too weak, distracted first by the growing pains of nationality and then by the bitter contests which followed the Reformation, seriously to challenge the imperial claims of Charles the Fifth and of Philip the Second. The very gold and silver which were discovered by the Spaniards in Peru and Mexico made it possible for the kings of Spain to hire the necessary soldiers and ships to overawe their neighbors. Believing firmly that gold is essential wealth, distinct not only in value but in quality from all other commodities, the Spanish kings made every effort to keep the wealth of America from filtering through to other

nations. But, as might easily have been guessed, without success; for the ordinary Spaniard insisted on exchanging what he could neither eat nor wear for articles which were less durable and more capable of satisfying his prosaic needs. Prices rose rapidly in the rising commercial communities which were able to sell goods. Commerce grew by leaps and bounds and the old simplicity of life passed into the complex conditions in which luxury and extravagance were to be found side by side with misery and poverty.

In England especially, the increase of wealth during the long reign of Elizabeth had not been checked even by the constant menace of the Spanish danger. To the old land-owning aristocracy there was added an increasing number of merchants with ready capital to invest and with very few opportunities for safe investment. At the other end of the social scale, the class of yeomen who held their lands on various types of leases from the gentry found themselves unable to partake in the general extravagance of their day. Prices and taxes were rising faster than the income of farmers. The old class of agricultural laborers was in an even worse condition, for wages were fixed by custom and by law and changed very little. The great estates were being rapidly enclosed to meet the demand for wool, and many a cottager found his labor a mere drug on the overstocked market. The monasteries, whose broad acres had been divided among tenants on easy terms in the middle ages, had been seized, and the land had passed to a new class of landlords, intent on immediate profits and very different from the easy going monks. Although England contained less than five million people, and although all observers noticed the great increase of wealth, most thoughtful men were certain that the kingdom contained a surplus population

which could scarcely hope to live within the limits of the island. And so it happened that when King James came to his new throne, he found capital seeking investment and people eager to live. Here were evidently the raw materials for a colonial movement.

In direct answer to these economic demands, King James granted charters to two great companies in the spring of sixteen hundred and six, which, except for Raleigh's ill fated attempt to found a colony on Roanoke Island a few years before, were the real beginning of the British empire in America. The stockholders were more than six hundred private individuals and corporations. Engaging in a business venture these investors were actuated to some extent by the patriotism of their age, but even more by the hope of large gains. The northern part of what is now the coast of the United States was entrusted to a group of capitalists in Plymouth, while the south fell to the lot of another group of which the chief members were merchants in London. Any one who contributed twelve pounds and six shillings might acquire an interest in this astonishing venture. The number of shares was limited only by the desire of the stockholders to invest.

The London company was to have the right to send articles to their colony* without paying export duties, and imports from Virginia were to pay a moderate five per cent. Remembering the experience of the Spaniards, the stockholders had visions of rich silver and gold mines which would soon pay a hundred and even a thousand per cent on their speculation. The continent was supposed to be only a few hundred miles wide at the most, and the early settlers were instructed to seek the expected strait which should make Virginia a mere stopping place to the fabled East. For the first ten years the colonists were to be maintained at common

expense and all the land and the results of their labors were to belong to the company. At the end of that time each stockholder was to receive a hundred acres of land, to be followed by a second hundred as soon as the first was cleared. But the chief source of land titles was to be so called head rights, for any actual settler or any one who imported a servant and paid his expenses was to receive fifty acres.

During the years of its existence the Virginia Company collected and spent at least two hundred thousand pounds, a sum which is equivalent to many millions in modern currency. The only tangible return was in the form of land which was duly distributed according to the original plan. Of the first individual stockholders, or adventurers, as they were called with quite unconscious irony, about one-third finally came to America and became planters on the lands which they had acquired. The other adventurers sold their rights sometimes for a pittance. The company also granted large tracts from time to time to those who had rendered some special service, or who agreed to bring in large numbers of settlers. As the years went on, the examination of claims to head rights was left to the colonists themselves, and numerous abuses crept into the distribution of land. The sailors on the ships which traded in Virginia claimed each his fifty acres for having imported himself into the colony, and sometimes the captain demanded another set of head rights for the same crew. Every time a planter went to England and returned he was likely to claim fifty acres to add to his already great holdings. Finally the pretence that the land was given only to prospective settlers was quite abandoned, and head rights could be secured on the payment of a fee of five shillings. In these ways the aristocratic system of great plantations was built up,

which was to be the characteristic institution of old Virginia.¹

But all this lay far in the future when Captain Christopher Newport sailed out of the Thames with the first group of one hundred and twenty settlers in the closing days of 1606. About half of his little company was composed of gentlemen who had paid the ten pounds necessary for their own transportation; the rest was made up of the poorer classes and came under contract to work for the company, the forerunners of the great class of indentured or contract servants who were destined to be the forefathers of a large part of the American people. Following the accepted practice of the day, and taking advantage of the recent peace with Spain, Newport took the southern route, sailing south to the West Indies, and then north past the shores of Porto Rico. His little fleet consisted of three vessels. The largest was only one hundred tons in size, and the other two were only forty and twenty tons apiece. The long journey required four weary months. In comparison with many other voyages the first was fortunate, for only sixteen of the crowded passengers were buried at sea, while in other cases there are many records of the death of half the prospective settlers. What high hopes must have beckoned on, or what misery must have been left behind to urge men and later women, too, to such narrow chances! For once arrived in Virginia, the settlers had to meet the unknown dangers of the Indian and the climate. The London Company retained its charter for sixteen years and in that time sent to America no less than five thousand six hundred and forty-nine settlers, of whom only one thousand and ninety-five were still alive in 1624. The beginnings of the American

¹ See especially:—Bruce, *Economic History of Virginia in the Seventeenth Century*.

stock evidently were laid in the most ruthless natural selection.

Captain Newport landed his passengers on the banks of the James and started the first settlement at Jamestown on a peninsula surrounded by marshes which had nothing to commend it except its nearness to the river. After a few weeks spent in seeking gold and loading a worthless cargo of stones which were expected to contain the precious metal, he sailed back to England. For more than a year the colonists were left to their own devices. Among their number was at least one man of courage and initiative, the famous Captain John Smith, a soldier of fortune who had already had many picturesque experiences in many lands, which lost nothing in the telling. But whether Smith is to be entirely trusted as a historian, there can be no doubt of the energy of the man and of the essential service which he rendered in getting food from the Indians, in compelling the settlers to work, and in making new discoveries in the interior. Once a year the London Company sent new settlers and fresh supplies of provisions. Every new group found their predecessors reduced to the extremes of misery and decimated by the diseases of a strange climate. More than once the settlement was about to be abandoned when the new supplies arrived. In spite of all these discouragements, the Company held on and continued to send good money after bad, and living settlers to replace the dead. For this almost heroic persistence, perhaps the chief credit belongs to a great London merchant, Sir Thomas Smythe, the Pierpont Morgan of his day, who was not only the leading figure in the London Company but in the more lucrative East India Company and half a dozen other enterprises of the same general kind.

In spite of his services the romantic Captain John

Smith was heartily disliked by other leaders in Virginia, and after a series of quarrels, in one of which he was imprisoned and sentenced to death, he finally left the struggling colony in 1609. By the original charter of the Company, the Council in London, which corresponded to a modern Board of Directors, was to be appointed by the King, who thus controlled an enterprise in which he was glad to allow others to invest. But under the influence of Sir Thomas Smythe, the Company was made self governing in new charters which were granted in 1609 and 1612. The chief representative of the Company in the colony was Sir Thomas Dale, a soldier who had fought in the Netherlands and who brought to the control of the colonists the rigid discipline of an army camp. Acting under instructions of the Company, Dale granted to each settler a little garden of his own, but for the most part he compelled each man to work for the common stock, in the hope of at least keeping the colony alive without further ruinous expenses. Dale remained in command for five years from 1611 to 1616.

During the first year of his administration one of the settlers, John Rolfe, who was to be remembered as the husband of the kidnapped Indian Princess Pocahontas, began to raise a little tobacco for his own use. The west Indian plant grew remarkably well and proved to be of excellent quality. The time had now come for distribution of the land to individuals, and finding the rich soil unusually well suited to the new crop, every settler soon became a planter. Tobacco had a ready market in Europe, the price at first was high, and with the profits, indentured servants could be secured for four, seven or ten years, who not only gave the master claims to many head rights with fifty acres of land, but who were the indispensable means of clearing the heavy timber which prevented cultivation. With the cutting

of the forest and the draining of the marsh, the toll of disease became much smaller. The older settlers had now each his own property and a real stake in the community. The Virginians now sold more than they bought, and invested the proceeds in more servants and more land. By the end of the seventeenth century a single planter, William Byrd of Westover, left a plantation of twenty thousand acres to his son. The second William Byrd had increased his estate to more than one hundred and seventy thousand acres before his death. The little hovels of the early settlers were torn down to make room, if room were needed, for the pretentious wooden and brick dwellings which became the home of the Virginia planter in the eighteenth century.

Without the personal qualities which had made the Tudors popular, King James was as eager as Henry the Eighth or Elizabeth to make the monarchy as nearly absolute as possible. He believed thoroughly that the King was the agent of God to govern men. Such views soon brought him into conflict with the landed gentry and the merchants who were equally anxious to see an increase in the powers of Parliament. As the years went on without the hope of dividends, the business considerations which had been prominent at the creation of the London Company became less important. The Spanish Ambassador constantly warned the King that the meetings of the Company were a center of sedition dominated by his enemies. The control of the Company passed into the hands of a country gentleman, Sir Edwin Sandys, a representative of the extreme liberal party, who now made the political and patriotic purpose of the Company supreme. The results for Virginia were very important. Not only did Sandys continue the policy of Sir Thomas Smythe in sending ships loaded with provisions and colonists year after year, but in ac-

cordance with his political views he granted local self government to settlers already in the colony. Accordingly in the summer of 1619 the first representative assembly in the new world met at Jamestown.

In that first legislature, the Governor and his Council sat in the same Assembly with the representatives of the planters, for the bicameral system was the result of later friction between the lower and the upper houses of the assembly. The laws which they passed were for the most part petty local regulations, but the important thing is that the colonists had gained the right to govern and to tax themselves. From the beginning the settlers had been promised in a rather vague way the rights of Englishmen. These rights probably referred largely to the civil rights by which Englishmen had long been accustomed, for example, to fair trial by a jury of their peers. To these ancient rights they now tended to add the newer political privileges. The written charter of a business corporation had become to all intents and purposes the Constitution of a State.

In spite of the increasing prosperity of the colony, the King and his friends watched the proceedings of the Company with rising jealousy. With the growth of plantations the conflict with the Indians became inevitable. In 1622 there occurred one of those massacres which were so common in the early days of almost every colony in America. The Indians laid their plot with secrecy and skill and fell upon the outlying districts with all the horrors of border war. More than three hundred of the colonists were killed before the Indians were finally defeated. This massacre along with quarrels in the Company gave the King his opportunity. By judicial proceedings in 1624 the charter of the London Company was cancelled and Virginia became a royal province, but without prejudice to the

property rights of the stockholders. The result to the Virginians was slight, for they continued to be governed by their own Assembly. The Governor was now appointed by the King instead of by a company, and the Council, which was at once the upper house of the Assembly and the highest court of the colony, was selected by the Governor. But custom had made it practically necessary for the Governor to select important planters, so that the Council with its executive, legislative and judicial powers was almost as representative as the lower house itself.

Their life under a corporate charter had created a precedent which accustomed Virginians to consider the authority of government as one essentially delegated. From the very beginning they were familiar with a constitution which was as much a limitation of power as a grant of power. In this point of view lies the essential importance of the fact that not a single colony in America was established by the King himself, but in every case by those to whom under very specific limitations he had granted that right. The colonies of the Spaniards were always the King's colonies. The Spanish colonists were therefore accustomed from the very beginning to absolute government. Even though most of the American colonies became in the long run royal, they were all in the beginning corporate or private enterprises in which the authority granted was always legally limited. This is the origin of the American belief in written constitutions and one of the important sources of what is perhaps the most unique function of the American court, to review and set aside the laws of legislatures when they seem to conflict with the written document by which authority has been delegated. In its historic origins and in its very phrases, the American constitution is originally a corporate charter, going back through the

early corporations of England to the charters of mediæval cities and to the corporations of the Roman Empire. The very essence of a corporate charter is a limited grant of power. The conception of government as an agent of a higher power is the essential element of American constitutional law. Eleven years after Virginia had become a royal colony, a royal Governor, Sir John Harvey, was arrested and sent back to England for attempting to govern in an arbitrary manner without consulting the members of his Council.

The rich tidewater region in which the tobacco colony of Virginia had been planted was cut in every direction by deep estuaries of the sea and by broad rivers easily navigable to the small sailing vessels of that day. With the spread of the plantation system, it was soon found that the smallest area on which profits could be made was about one thousand acres. Such a plantation could be controlled by one overseer. The indentured servants could be kept continually busy either in cultivating the single staple or in clearing the forest for another crop. Land was cheap and labor was expensive, so that cultivation was extensive and wasteful. As soon as one clearing began to lose its fertility another was made for a new crop. Each planter shipped his tobacco from his own wharf, and frequently kept a store to supply the smaller farmers who were beginning to appear in the back country away from the rivers. Under such conditions there was no reason for the rise of towns. Towns and cities ordinarily arise at some point where there is a necessary break in transportation, and such breaks were unnecessary in Virginia. The essential unit of all social and economic life was the plantation. The only form of current money was tobacco. Foreign goods were bought on credit and paid for when the crop reached London. On account of the great distance it

was difficult for a planter to know the exact state of his accounts, and many a planter who owned thousands of acres found himself constantly in debt. When he sold a good crop, he was likely to import more servants at about ten pounds apiece, thus adding not merely to his labor supply, but also to his landed holdings.

The essential unit of local government was the County Court, made up of wealthy planters nominally appointed by the Governor but actually holding their power generation after generation. These local officials had judicial functions, provided for the building of roads, determined the local taxes, and nominated from their own number representatives to sit in the Assembly. The government of Virginia, like its social institutions, was a planter aristocracy. These institutions of early Virginia survived for more than two hundred years, well into the national period. The unity of the great estates was preserved by a system of primogeniture and entail even more rigid than that of the mother country. The Church of England was established and maintained from local taxes.

Side by side with the commercial and economic revolution in the time of the Tudors, other changes had taken place in the England of the sixteenth century almost as important for the future of the American people. In most European countries, the forces of the Reformation had tended to divide the people into two conflicting groups of Protestants and Catholics. The early Protestant found religious authority in the literal interpretation of the words of the Bible, while the Catholic relied upon the power of the ancient organization, with its priesthood and its hierarchy of bishops at the head of which stood the Pope, the Bishop of Rome. The Tudor kings, and especially Henry the Eighth and Elizabeth,

were able to control these disruptive forces in the interests of the monarchy and of national independence. The Church of England was essentially a great compromise between the old and the new ideas. The Bible and the services of the church were to be read in the vernacular. The monasteries were closed and their lands seized by the king. Many of the ancient ceremonies of the church were made more simple. But the ministers still wore vestments and acknowledged the authority of bishops. The head of the church was to be no longer the Pope but the King. Largely on account of the dangers of the long war with Catholic Spain, exact conformity to this compromise was made compulsory. The clergy were required to acknowledge the supremacy of the monarch as head of the church and the people were compelled to attend the services of the Established Church. Rival services, either Catholic or Protestant, were prohibited. This compromise was probably satisfactory to the great majority of the English people. In any case, religious conformity had become synonymous with patriotism.

If the English people had been quite isolated it is possible that such a compromise might have been accepted without a struggle. But during the short reign of Queen Mary, the elder sister of Elizabeth and the wife of Philip the Second of Spain, an attempt was made to reestablish the authority of the Catholic Church. Many ministers of the Established Church were driven into exile, and in Switzerland and Germany came into contact with the views of the extreme reformers and especially became familiar with the writings of John Calvin. They came back in the reign of Elizabeth eager to destroy all the remaining forms which they regarded as superstitions of another age. In the field of morals, these returning exiles were austere. They looked on

the prevailing luxury and extravagance as evidence of sin. Life must be regulated by the Mosaic code. Seeking an external expression of their religion, they found it especially in the observance of the Sabbath, which must no longer be devoted to pleasure or social enjoyment, but to the contemplation of the perils of the future life. The influence of the early Puritans among the common people was increased by a constant stream of immigration from Holland, from Germany, and from France made up of men whose own religious views had been intensified by the persecution which they had suffered for the sake of conscience. Finding their views opposed by the Established Church in England, they sought first to capture the church, and unable to do that, a minority desired to do away entirely with the authority of Bishop and King and to leave the control of religion to the members of the various religious groups. When the popular Tudors were succeeded by the Stuarts in the person of King James, and when the new King unexpectedly insisted on allegiance to the Established Church, the rising tide of Puritanism became partially merged in the political struggle which finally resulted in the execution of Charles the First and in the establishment of the Commonwealth.

In the early years of James the First, this political victory seemed far enough away indeed. The early Puritan was not ahead of his age in desiring general religious toleration, or democracy. But he did demand enough toleration to permit him to worship God in his own way. After that, as the event clearly showed, he was anxious to compel other men to worship God in that way too, the only way, as it seemed to him, which might give men a chance to save themselves from the tortures of the damned. Among the little groups which were meeting for services according to divine decree

and contrary to the laws of England, the most famous was a little congregation at Scrooby. When some of these Puritans were imprisoned and fined for non-attendance at the parish church, they determined to seek a new home in another land. Twice they attempted to escape in a body, and when they were prevented by the authorities because they had not paid the various burdensome taxes which were required, they stole singly or in families from the shores of England, and under the leadership of the great-souled John Robinson, who went far ahead of the ordinary members in his belief in the essential justice of religious toleration, they met in Amsterdam and then in Leyden, where under the benign laws of the commercial republic of Holland they lived for twelve years.

Life in Holland was none too easy, and the members of the little group found themselves growing old with hard labor, while their children were being tempted away on long sea voyages, which paid better than the toil of the loom. Worse still, their sons and daughters were marrying into Dutch families and forgetting their own country and the requirements of their stern religious creed. They were about to seek a new home in some Dutch colony where they could establish a religious community, untouched by the temptations of the world, when they were approached by a group of London merchants, who offered to help in paying their expenses to America on conditions quite similar to those which had sent the first colonists to Virginia fourteen years before. The emigrants were to work for a term of years for the common stock, and in the final division of the land and other assets each settler should have a portion equal to that of the merchants who had purchased a share of stock. In the meantime they should send articles to England for sale for the common treasury.

These terms were accepted, and the younger members were sent from Holland in the *Speedwell*, an unseaworthy vessel, which was to join at Plymouth a larger vessel to be supplied by their English partners. The adventurers had collected other passengers in England, and when the *Speedwell* began to leak, all were transferred to the little *Mayflower* and so found their way across the stormy sea. The adventurers had secured a grant of land in Virginia, but on account of the storms near Cape Cod, the company landed late in 1620 on the shores of what is now Massachusetts Bay, mere squatters on the lands which had been originally granted to the Plymouth Company in 1606, and which with the failure of that Company to establish a single colony had now been sold to another Company called the Council For New England. Before they landed, the mere necessities of the case compelled them to subscribe to a document, in which, following the advice of their old pastor, they agreed to obey rulers of their own choice. In the Mayflower Compact, we have a perfect illustration, as in many another similar document, of the inherent democratic tendency of a new home on a frontier.

Plymouth was a small colony which never became important and which was absorbed before the close of the century by her powerful neighbor to the north. It produced few leaders who affected greatly the course of life about them. But it had an able historian who was also for many years its governor in the person of William Bradford who had much of the literary charm of the Elizabethan period. In his quaint and vigorous phrases the various actors live again, so that we know Miles Standish and the Indian Squanto as we do not know many more important men. There is always a temptation to emphasize unduly the part of Plymouth and the Pilgrim fathers in our early history.

From our modern point of view, perhaps the most interesting feature of this story was the effort to put communism into practice according to the terms of the contract with the adventurers in London. The first severe winter was a time of great suffering, but in the spring the settlers planted corn fertilized with fish after the Indian fashion. These settlers, unlike those in Virginia, could not expect rich store ships of supplies bought from the long purse of a rich Company. They must depend on themselves. They found an immediate article of value in beaver skins, which became their first money. But the necessity of working for the common store produced all the discontent which appeared in Virginia, and in this colony there was no military chieftain like Sir Thomas Dale to compel obedience. As Bradford says, "Ye young-men that were most able and fitte for labour and service, did repine that they should spend their time and strength to work for other men's wives and children, without any recompense. . . . And for men's wives to be commanded to do service for other men, as dressing their meat, washing their cloaths etc., they deemed it a kind of slavery, neither could many husbands well brooke it." Fortunately, after about three years of this experiment some of the wealthier men in the colony found that the adventurers were willing to sell their interests for a modest sum. Each family was now assigned its own fields, and under the stimulus of private gain the prosperity of the colony increased. The men of Plymouth not only bought furs from the Indians, but soon laid the foundations of another New England industry in the fisheries. When the Plymouth settlers were able to buy a title to the land by a patent from the New England Council, their position became more secure, although they never secured a charter and their whole government was always quite extra-legal.

In the meantime James the First had been succeeded by his son, the unlucky Charles the First. Under the influence of Laud, Archbishop of Canterbury, the laws requiring attendance and conformity to the services of the Church were more strictly enforced than ever before. Charles ruled for many years without a Parliament, and the Puritans found themselves left to the tender mercies of the royal courts. Economic conditions were no more favorable than they had been in the days of James, at least for the agricultural workers. Under the double inspiration of religious aspiration and economic pressure, many thousands were now ready to seek a new home across the waters. A few of these belonged, like John Winthrop, to the lesser gentry. But the majority were yeomen, or small farmers, and, as in the case of Virginia, common laborers.

It must not be supposed that the great wave of Puritan migration went exclusively to New England. Thousands went to the West Indies, where England was founding prosperous colonies in Barbadoes, St. Christopher, and the Bermudas. From there some of these finally reached South Carolina, which with the later advent of Scotch Irish Presbyterians was almost as much a Puritan colony as Massachusetts itself. Although Maryland was founded by a Roman Catholic nobleman, before the end of the century it is estimated that four-fifths of the inhabitants were Puritans, and only one-twelfth Catholics. Many who were essentially Puritan in their theology and attitude to life came to Virginia, even though in all these colonies the Church of England was finally established and supported by taxes. All the Scotch Irish Presbyterians who came in such numbers through the middle colonies in the eighteenth century were really Puritans, not to speak of the French and Dutch in New York, and many of the Germans in Pennsylvania. It is

increasingly evident that Puritanism is woven very deeply into the fabric of American life.¹

Nor must it be supposed that all who came to New England were in the strict sense of the term Puritans, or were actuated entirely by religious motives. Even the statesmanlike John Winthrop, who was the real father of Massachusetts, and the founder of a great American family, says plainly that among the motives which brought him to the new world, was the desire to rear his large family in greater comfort than would be possible in the home country. About sixteen hundred and sixty, it is estimated that not more than one-fifth of the inhabitants of Massachusetts were members of the church and therefore entitled to vote.

But in spite of the fact that the Puritan movement was at once much wider and narrower than has sometimes been supposed, the fact remains that the Puritan leaders were able to secure a charter which gave them control of what they regarded as a Holy Experiment. In Massachusetts and Connecticut alone were churches established whose members were the only voters, and only in those two colonies were the ministers able by their advice and prestige to control the policy of the government. In other colonies the State frequently supported the Church, as it did in the mother country. But the experiments in Massachusetts and later in New Haven and Connecticut were unique, for there the Church controlled and dominated the State, precisely as it was supposed to do in Italy and Spain.

All this resulted legally from the fact that the members of the Massachusetts Bay Company were not London

¹ See especially:—Newton, A. P., *The Colonizing Activities of the English Puritans*. Colonial New England has found a brilliant historian in J. T. Adams, who has written, *The Founding of New England*, and *Revolutionary New England*.

or Plymouth merchants intent on gain, but Puritan leaders ready themselves to emigrate. No home office was specified in the charter, so that when Winthrop and the rest came to Massachusetts they brought the charter with them. They came first as Church members and then as rulers, a connection which was not broken until Massachusetts lost her charter in the days of James the Second.

The Puritans came to New England to found peculiar institutions. In their own time, they must have seemed to many of their contemporaries much like the Mormons, when these sought in a later day to found a church and state in distant Utah. If all had been Puritans, in a system in which the members of the churches were also the voters, there would have been the necessary seeds of democracy, in spite of the fact that all the early leaders, and especially John Winthrop, frankly regarded democracy as the worst possible form of government. But with the majority outside the Church, the rise of democracy was the necessary end of the theocratic experiment. The leaders of the Puritan Commonwealth were therefore compelled by the very logic of their situation to fight every tendency to increase the number of voters. Curiously enough when the franchise was at last extended, this result was due partly to the pressure of the ungodly on the frontiers and largely to the direct orders of a British King.

Similarly, though the Puritans had come as the result of bitter persecution, they could not afford to be tolerant, without introducing the seeds of heresy and sedition. Imagine a group of honest and intensely zealous men who believe firmly that they have found the one way of salvation, and that they alone are carrying out the will of God for men. Imagine these men closely advised by the ministers, and in control of the State. They could

not allow an Antinomian, or a Baptist, or a Quaker to live among them without denying the very certainty of their faith. And from their point of view they were clearly right. Those who disagreed with them had a right to stay away. But they had no right to come among them and harry the Vineyard of the Lord, for which so much had been sacrificed and lost.

All this is no later interpretation but was clearly seen by the Puritans themselves. One who called himself the "Simple Cobbler of Agawam" argued that the toleration of false religion is as great an evil as the persecution of the one true religion: "He that is willing to tolerate any religion or discrepant way of religion, besides his own, unless it be in matters merely indifferent, either doubts of his own, or is not sincere in it. He that is willing to tolerate any unsound opinion, that his own may also be tolerated, though never so sound, will for a need hang God's Bible at the Devill's girdle."

If the settlers in Massachusetts had been on a distant island they might have been able to preserve their own institutions intact. But both to the south and the north lay other fertile regions to which the discontented might flee. As Boston grew in importance, the merchants learned the secret of toleration from their contact with a wider world. Above all, the home government became willing to listen to the pleas of the discontented, and so, as population increased, the foundations of the religious community were undermined, precisely as they were later on in Utah. By her narrow policy as much as by her inherent energies, Massachusetts became the mother of commonwealths, some of which denied every principle which she held dear. The history of colonial New England is to a large extent the story of the reaction of the frontier with its love of democracy and its individualism upon a hard and fast set of institutions which

it gradually dissolved. Although the original church was not finally disestablished until the early part of the nineteenth century, it had long lost its unique control of affairs, which was largely limited to the seventeenth century. In spite of the arguments of the Simple Cobbler, the practical necessities of men of different creeds face to face with the Indian and the frontier, who must act together, whatever they believed, finally produced the necessity for a wider toleration, although to this very day there are some evidences of the older point of view.

Beginning with 1630, the migration to Massachusetts Bay continued strong, being made up of many of the yeomen and laborers who constituted the sturdiest classes in England. By the end of the decade more than twenty thousand had come. In the absence of a system of great plantations, the great majority must have had at least the ten or twelve pounds which the passage cost. The soil of New England was not fitted to any great staple like tobacco which could command a ready market, and for that reason neither the system of indentured servants nor the later system of slavery ever took root, although both systems were quite legal and only an occasional writer like the diarist, Samuel Sewell, found any religious or ethical objections to the practice.

Just as the plantation and the county were the fundamental institutions of Virginia, the township was the essential feature of New England life. The early settlers came as religious communities under the leadership of their ministers. Arrived in the new world they continued to live together, and gave renewed vitality to the parish system with which most of them had been familiar in England. In England the members of the smallest local unit, the parish, still met to elect their constable and to assess taxes for the support of the poor. In New

England this system was widened and the town became the source of all local government and the basis of representation in the Assembly. The towns became democratic faster than the Commonwealth and the franchise in the town meeting was often not strictly limited to church members. The officers of the town were the Selectmen who were elected in the yearly meeting. The land was granted by the General Court of the Colony to the town, which in turn divided it in small farms among its members. The town was the collector of taxes, with which it built roads, supported the minister, and at a very early day gave support to the village school.

When a group became too large, it organized another church and sought the grant of a new township on the frontier. Sometimes the lands of the township were assigned to an individual, who became the promoter and acted as an advance agent for a group of families. But in the early days, all individual farms were granted in fee simple, without quit rents or other feudal obligations. The growth of Virginia, and in general the South, was individualistic, while the growth of New England was compact and corporate. The township system was the product of the New England Church and of the New England farm. It could scarcely have survived the discovery of a rich staple, with a market ready enough to tempt the use of capital. Wherever in America this situation appeared, the farmer yielded to the planter.

On the frontier of Massachusetts five new centers of population soon appeared, all of which tended to imitate her fundamental township system. To Rhode Island directly to the south went the more liberal elements which were thrown off from the parent state: first, Ann Hutchinson, who believed that women might preach and that God spoke to men by a mystic inner light as well as

in the words of Scripture; then Roger Williams, a Puritan of the Puritans in his own beliefs, but who held that religion is no affair of the State but should be left to the consciences of individual men, who also denied the validity of titles to land for which the Indians had not been duly paid, the first great American radical, who was compelled to flee from Boston in the dead of winter; in later days, the Baptists, who arrived from England denying the value of infant baptism; and finally the Quakers, of whose number four had been hung when they insisted in returning to orthodox Massachusetts. By the end of the great decade of the Puritan migration, the various settlements of Rhode Island had united into a common government although they did not receive a royal charter until after the return of Charles the Second, when by the diplomacy of the aged Roger Williams and of Clarke, they were authorized to do precisely what they had been doing for almost a generation. To the orthodox, Rhode Island was the very home of heresy and therefore anathema.

Guided largely by the desire of the members to find richer farms and of their quite orthodox ministers to gain greater power, groups of towns were formed along the Connecticut valley, which also united under Fundamental Orders, which were one of the earliest popular constitutions.

Still further west, another group of townships was established near the Sound in the neighborhood of New Haven. This typical union of frontier townships became for a time a separate New England colony derived from the parent Massachusetts, until it was added to Connecticut by the royal charter of 1663.

To the north two communities were formed in regions claimed at once by Massachusetts and by proprietors who had derived their title from the old colonizing Com-

pany, the Council for New England, which had never sent out any permanent colonies itself, and was now dead. The townships in what later became New Hampshire were quite similar to the older groups in Massachusetts, but Maine was a typical frontier community to which the disaffected and the disorderly went without asking the minister's advice. The people of early Maine made their living by fishing and shipbuilding, and seemed to their contemporaries a peculiarly irreligious and disorderly group.

Face to face with the danger of the dispossessed Indian and with the even greater danger of heresy from Rhode Island, the four orthodox communities united in 1643 into the New England Confederation, which continued a precarious existence until New Haven was absorbed by Connecticut and Plymouth by Massachusetts, thus destroying half of the membership. The central organ of this interesting union was a Council of two commissioners from each of the four colonies. The powers of the Council were largely advisory, and its acts had to be approved by six of the eight commissioners. The Confederation rendered useful services in adjusting disputes between the colonies regarding matters of trade, and, from the point of view of its members, in devising common measures to prevent the spread of heresy. Its most striking achievement was the negotiation of a treaty with Stuyvesant, the doughty ruler of the Dutch colony to the west, an act of almost national authority.

The same decade which saw the establishment of Massachusetts was also marked by the division of the territory of Virginia to make room for a colony of which the prime mover was a Roman Catholic nobleman, George Calvert, the first Lord Baltimore. The same laws which bore so hard upon the Puritan also made the position of the Roman Catholic increasingly difficult.

In spite of his religion, Baltimore stood high in the graces of the King. After failing to found a successful colony on the bleak shores of Newfoundland, he secured the promise of a charter which gave him control of the lands to the north of the Potomac and along the shores of the Chesapeake. Dying before he could open this refuge to his coreligionists, George Calvert left his princely dominion to his son Cecilius, who managed to establish a colony in 1634, and to govern it with rare tact and wisdom for more than forty years.

It was of course impossible to establish the Roman Catholic religion in any English colony in the seventeenth century, but under the influence of the proprietor religious toleration was practiced in Maryland in much the same way as it was being made the basis of Rhode Island. It was the original intention to grant the land to settlers in the form of great estates called manors of one thousand acres each, under the general control of a feudal owner, the Lord of the Manor, who was expected to bring in a small number of tenants. The control of local matters should be left to general meetings or quite democratic courts of the tenants. But this attempt to found again the ancient manorial system failed on account of the profits to be made from tobacco. Instead of free tenants, the proprietors soon brought in indentured servants and then slaves, who had no political rights. In this way the well planned manor, which might have proved an interesting local institution, quite similar to a great English country estate, became a plantation. The proprietor also granted smaller farms of fifty or one hundred acres on easy terms to actual settlers. At the end of their term indentured servants could acquire one of these small farms. In this way the individual farmer took his place beside the great planter in the economic life of Maryland.

The period of the personal rule of the King came to a close with the meeting of the Long Parliament in 1640. For ten years the energies of the English people were absorbed by the contest between the King and Parliament, and the tide of Puritan migration came to a close. The planters still imported laborers, and after the execution of the King in 1649, and during the whole period of the supremacy of Cromwell, many former royalists came to Virginia and bought plantations. The most interesting figure in the life of colonial Virginia in this period was the governor, the able and irascible Sir William Berkeley, who came to Virginia in 1643. His aristocratic point of view was well expressed when in a later answer to the Privy Council as to conditions in Virginia, he made the well known statement: "I thank God there are no free schools nor printing, and I hope we shall not have these hundred years, for learning has brought disobedience and heresy and sects into the world and printing has divulged them and libels against the best government. God keep us from both."

Realizing that he represented only a minority of the English people in his religious views, and that he had gained power largely as a result of a bitter protest against the irresponsible political power of the Stuarts, Cromwell adopted a practical policy of religious toleration in England. The laws were not modified, but the Catholics found themselves in a more comfortable position. They belonged largely to the wealthy and conservative classes, and in spite of the invitation of the tactful Baltimore few of them emigrated to Maryland. On the other hand, many Puritans, dissatisfied with the Established Church in Virginia, found new homes across the Potomac. Baltimore found it difficult to keep the peace between his discordant settlers. Every event of the civil war in England was echoed in miniature in little

Maryland. At length that colony adopted an act of religious toleration in 1649 which placed among the statutes the principle on which the absent proprietor had insisted from the beginning, and which agreed well with the policy of Cromwell. For twenty-five years after the revolution of 1688, the Puritan party gained the upper hand, and Maryland became a royal colony. At the end of that period, the grandson of Cecilius Calvert became a member of the Established Church, much to the chagrin of his aged father, and the Baltimores were rewarded by receiving again the powers which they had lost. Maryland in the eighteenth century was a proprietary colony with an established church, in which the landowners paid rents to the proprietor. The proprietor took the place of the King and appointed the governor and council, but in accordance with the original grant, made laws with the consent of the colonial assembly.

With the rise of the power of Cromwell, Virginia was compelled to bow to the storm and for a time Berkeley was retired from the governorship which he had used in the interests of the exiled Stuarts. But with the new immigration of Cavaliers, Virginia was still royalist at heart and was the first colony to proclaim the power of Charles the Second.

The small farmers of Virginia and the servants who had completed their period of service were rapidly displaced by the growth of the plantation system. They tended to move into the foothills where they made little clearings in the forest, and many of them went south to the region which was later to be North Carolina, which became another frontier community, bearing the same general relation to Virginia which Maine had to New England. North Carolina became the home of debtors who prided themselves that there was not a church in the limits of their settlement. The hills and valleys of North

Carolina were well suited to the raising of herds of cattle and hogs which made their own living in the glades of the forest. Here for the first time in America on a large scale, we meet with those conditions which have made the cowboy and the cattle country romantic figures on the last American frontier.

In the year of Cromwell's death the English colonies in North America consisted of two widely divided and very different groups of settlements, which contained somewhat less than one hundred thousand people. On the shores of Massachusetts Bay was a neighborhood of small farmers and fishermen organized into townships. This community with its satellites constituted early New England. Far to the South were the plantation colonies. Here negro labor was still unimportant, and the ever increasing plantations rested largely on the labor of contract servants, most of them young, and all of them hoping to become freemen. Halfway between these groups, the Dutch had established a prosperous group of fur trading establishments along the Hudson, and in rivalry with the Swedes, along the Delaware. The settlements of New York had been retarded partly by the fact that the interests of the Dutch were largely commercial, and also because they granted land not in small portions but in great feudal estates, dominated by the overshadowing influence of the Patroons. Far to the south the Virginian knew vaguely that the Spaniards were established in Florida, and as he became interested in the growing fur trade found sometimes that an enemy had been tampering with the Indians of the Southwest. Similarly, though somewhat more closely, the New Englanders were brought into rivalry with the increasing activity of the great French colony which dominated the West from the almost impregnable rock of Quebec.

CHAPTER III

THE NEW IMPERIALISM (1660-1763)

THE return of Charles Stuart to the throne of his fathers in 1660 was an event of great significance in American history. Under the inspiration of the astute Clarendon who had accompanied the King on his enforced travels, England had leisure at length to consider her three groups of colonies, in New England, on the shores of the Chesapeake, and in the West Indies, and to plan for them from the point of view of a common Empire.

One of the first evidences of this new interest was the eagerness with which the King listened to the pleas of the discontented in Massachusetts, a region which had stood high in the graces of the Commonwealth but which he had small reason to trust. The rulers of this colony had come to regard themselves as virtually independent. They were now warned that the whipping and execution of Quakers must stop, because such measures were contrary to the laws of England. For the moment the King found it impossible to secure the extension of the franchise, but he never forgot this purpose.

As an offset to the dangerous power of Massachusetts, the colonial arrangements in Connecticut and Rhode Island were legalized, and these two colonies were granted by royal charter the right of governing themselves, even retaining the power to elect their own governors. New

Haven was added to Connecticut and disappeared as a separate colony. Some of the discontented elements in New Haven withdrew to the newly opened region in New Jersey, and helped to lay the foundations of another future state. The success of the two newly chartered colonies was largely due to the astute diplomacy of John Winthrop, now governor of Connecticut, the son of the founder of Massachusetts.

More important still, a naval expedition was sent which captured Manhattan Island from the poorly defended Dutch, and assigned that rich region to the King's brother, the Duke of York, who was later to be the last of the Stuart Kings. The region between the Hudson and the Delaware was soon sold and divided between proprietors who had the good will of the court, but proprietary government in the two Jerseys was unsatisfactory to all concerned, and the colony was made the single royal province of New Jersey in 1702. The English in New York continued the old policy of the Dutch and assigned the land for the most part in great semi-feudal holdings which retarded the growth of the population and accentuated the divisions between the poor and the wealthy. The English also inherited the alliance between the Dutch and the confederation of the Iroquois, who acted as middlemen in bringing to the growing port of New York the rich furs from the region west and south of the Great Lakes. The English and French thus came for the first time into deadly rivalry for the control of the western fur trade. The French depended largely on their alliance with Algonquin Indians, who were the hereditary enemies of the Iroquois of New York.

Far to the south, in conscious rivalry with the Spaniards, the lands between Virginia and Spanish Florida were granted by the King to a group of seven courtiers,

and were named Carolina. In the northern part of this region, separated from the sea by the narrow islands which had been the scene of the first English attempt to plant a colony, settlers from Virginia had already appeared. South Carolina was soon settled by those who had found the West Indies too narrow a scene for their enterprise. The South Carolina rice plantation was thus largely an extension of the West Indian sugar plantation and depended almost from the beginning on negro slavery. The region differed from Virginia in having an important port at Charleston, where the planters spent the winter and through which the rice and other products of the colony were shipped to Southern Europe. The experiment of government by a group of proprietors was no more successful than it was in New Jersey. The colony was for many years a scene of discord and virtual anarchy, until after a series of costly Indian wars, the proprietors were persuaded to yield their title to the King, and in 1724 North and South Carolina became royal provinces.

In the conscious purpose of the new imperialism to fill in the gaps on the American coast and to unify the continental empire, one region was as yet unclaimed. Just to the west of the Delaware and north of Maryland was a rich country which had been made the scene of a few Swedish fur trading stations early in the century. Stuyvesant had conquered this territory for the Dutch, and now, with the passing of New Netherland, it belonged to the King of England. Charles the Second was secretly a Catholic, and seems to have had a certain sympathy for heresy. During the period of partial religious toleration under Cromwell, a large group called Quakers had arisen in England who carried the ideas of Protestantism to their logical conclusions, and denied the sanction of any ecclesiastical authority, believing as

Ann Hutchinson had before them, that God spoke not only through the revelation of the Book, but also directly to the hearts of men in the Inner Light. They had no priests or ministers, for every sincere worshipper is himself a priest of God. In morals, they represented the rising humanitarian spirit of their day, were less interested than the Puritans in the perils and joys of the future life and found more guidance in the Sermon on the Mount than in the Mosaic code. Belonging for the most part to the middle walks of life, they affected simplicity of speech and dress, refusing to take the legal oaths which were used in courts. But there was nothing of the ascetic in the Quaker who prided himself on hard work, thrift, and prosperity.

In England the Church had been reëstablished as a result of the same reaction which had seated the Stuarts for the second time on the throne. Radicals like the Quakers did not fit in well with the present scheme of things. Their leader was William Penn, who as a young man in Oxford had been converted to their views, much to the sorrow of his father, an ardent royalist admiral. William Penn had long been seeking a new home for the Quakers and had even bought an interest in New Jersey for this purpose. But the charter of New Jersey was too complicated to allow him to work out fully his ideas. For he too, like the settlers in New England, desired to found a Holy Experiment, except that he believed that truth is bound to triumph by its own inherent force, and does not need external support. The very basis of his experiment should be religious toleration of the widest kind.

Fortunately for him, the Stuarts had been deeply indebted to his father, not only for loyal services, but also for money which they had been unable to repay. The King was anxious to fill in all the gaps on the Ameri-

can coast and the Quakers were ready to emigrate. So Penn secured a charter for Pennsylvania in 1681 and later bought from the Duke of York the region which was to become Delaware, and which was already occupied by a number of Swedes and Dutch. Here he bought land from the Indians, whose rights he respected scrupulously and who became his friends, and here too he brought his settlers and spent a few happy years before he was compelled to return to England to meet the attacks of his enemies. Philadelphia soon became a prosperous city, to which the discontented came in increasing numbers, attracted by the liberal policy of the great proprietor. Laws were made by an assembly and the governor was appointed by the proprietor. The descendants of William Penn, like the neighboring Calverts, finally became members of the Church of England, but until the Revolution the Quakers remained the dominant group in the colony. In the middle of the eighteenth century, a long and bitter dispute as to the boundary with Maryland was settled by a compromise which established the famous line called after the surveyors, Mason's and Dixon's line. Delaware, which also belonged to the Penns, was at an early date given a separate government.

Charles the Second was King, not only by the grace of God, but also by the will of the people. The dominant economic philosophy of the seventeenth century was mercantilism, which required among other things that colonies should be maintained for the benefit of the mother country in return for protection against outside enemies. The colony was expected to furnish raw materials to the mother country and to buy its manufactures exclusively from her merchants. The wisdom of such a policy was not seriously questioned until the close of the eighteenth century when Adam Smith

wrote the *Wealth of Nations*. In 1660, this position was a mere axiom to influential merchants in London of whom the richest and most famous was Martin Noël. Under his influence, the laws regarding navigation were rapidly reduced to a definite code, which embodied all the chief principles of the mercantile system. Colonial commerce was to be an imperial monopoly with which the outsider was not allowed to interfere.

In the application of this principle, the new laws provided, as they had to some extent previously, first that no ship should be allowed to trade with the colonies which was not English built and manned by a crew of which the majority was English; second, that the colonies should send certain enumerated products, of which the most important at the beginning was tobacco, exclusively to England; and third, that they should import all their manufactures directly from England. As time went on, some of these provisions were extended while others were modified in the light of experience. Measures were also taken from time to time for their enforcement by special courts within the colonies. The general result was to add to the profits of the British merchant and to the cost of securing supplies in the colonies. On the other hand, the term "English ships" was held to apply to colonial ships as well, and the ship builders of New England gained a share in a great monopoly. From the English point of view, the enforcement of the Navigation Laws became the chief reason for having colonies at all.

As the number of people grew in the colonies, they began to press upon the hunting grounds of the natives, which made war inevitable. In New England, the Indians found an able leader in the person of King Philip, who organized the various tribes and in the early summer of 1675 fell suddenly upon the outlying settle-

ments with all the now familiar horrors of border war. The Indians had at their command warriors almost equal in numbers to the colonial militia, and the resources of the three colonies of Plymouth, Massachusetts and Connecticut were taxed to the utmost. In this emergency, the almost forgotten machinery of the New England Confederation proved useful and gave unity to the colonial measures. The war was practically decided when three thousand natives were surrounded in their palisaded fort by militia under the command of Captain Church. The wigwams of the Indians were set on fire and those who escaped from the flames were shot as they fled. A little later, Philip was killed and the power of his followers in southern New England was broken forever. The remaining Indians were distributed among the various towns, where some of them served as indentured servants, while many were sold into slavery in the West Indies. King Philip's War bears as important a relation to the history of New England as Sullivan's raid against the Iroquois to that of New York during the Revolution.

The discontent of the Indians as they saw their hunting grounds turned into farms and plantations was not limited to New England. Perhaps the idea of revenge spread through the mysterious avenues of the forest, for Indians made less of distance than the firmly planted white men, or the result may have been a mere coincidence due to similar circumstances. At any rate in that same summer of 1675, when the savages of New England were making their last stand against the forces of a hated civilization, three planters were killed in far away Virginia. Such an incident was with the Indian a mere prelude to the tomahawk and the scalping knife. With the return of the Stuarts in England, old Sir William Berkeley had regained his governorship. He

was deaf, gouty, and very irritable, and was surrounded by a ring of politicians who were interested in the fur trade. This group was suspected of diverting the taxes to their own ends. Having large plantations already in the old and safe part of the colony, they were not interested in the western frontier, which at that time commenced at the falls of the rivers. They kept themselves in power by manipulating the elections and refusing to call a new Assembly.

When massacre succeeded massacre, the now thoroughly frightened western planters appealed to the governor for a punitive expedition. Being refused, they chose as their leader Nathaniel Bacon, a young man who had recently come to Virginia, and proceeded against the Indians who were easily defeated. The angry governor proclaimed his rival a rebel; but, finding that Bacon had the sympathy of the people, Berkeley reluctantly agreed to call an Assembly, and even invited the now victorious soldier to Jamestown as a member of his Council. Suspecting that the Governor had no intention of granting him a commission as general against the Indians and probably fearing imminent arrest, Bacon managed to escape from Jamestown and made himself the head of a popular rebellion. Berkeley fled across the Bay to the Accomac Peninsula.

Bacon was bold and courageous, but also rash, and when he began to speak of himself as the head of a separate government "by the will of the people," a reaction set in against him. While he was in the west making another successful attack on the Indians, Berkeley returned and planted himself with a band of faithful followers in Jamestown. Bacon marched back, besieged Jamestown, protecting his own position by placing the wives of the Governor's party on the entrenchments as insurance against attack. Berkeley was compelled for the second

time to flee, and Bacon burned Jamestown to the ground.

In the moment of his triumph, the rebellious leader was stricken with fever and soon died. The rebellion had already shown signs of collapse, and after the death of his enemy, Berkeley had small difficulty in regaining control. Fifteen of the ringleaders were captured and hung, among them the able Scotchman, William Drummond, a member of the Council who had been Governor of the Albemarle settlement in North Carolina. When Drummond was captured, he was brought into the presence of the restored governor. "Mr. Drummond, you are welcome," said Berkeley, bowing low. "I am more glad to see you than any man in Virginia. Mr. Drummond, you shall be hanged in half an hour." To which Drummond replied, "As your honor pleases," and was led away to execution. The failure of Bacon's rebellion was due not only to his untimely death, but to the fact that though he had the good will of two-thirds of the people of the province, these were largely apprentices, small farmers, and former indentured servants. Virginia was not ready for social revolution, and most of the wealthy and influential planters finally rallied to the cause of the once popular Governor.

When commissioners arrived from England with a thousand soldiers, they found the rebellion at an end. Berkeley went out of his way to insult them, even sending them from his lodgings in a carriage with the common hangman as postilion. Berkeley was recalled and the commissioners redressed some of the chief grievances of the Virginians. When the old man arrived in London, the King to whom he had been always loyal refused to see him, and Berkeley died in disgrace in 1677. In Virginia, the cause of democracy had to wait for another age and a wiser leader.

In pursuit of the new imperial policy, the King had appointed a special Committee on Trade and Plantations which studied colonial affairs and directed the execution of the new Navigation Acts. A special commissioner of customs was sent to the colonies in the person of the honest and energetic Edward Randolph, who arrived in Boston before the end of the disastrous Indian War. Randolph reported that the government of Massachusetts was disloyal and could not be trusted to enforce the new measures. He argued in season and out that the time had now come to withdraw the charter of Massachusetts and to bring that colony under closer royal control. By judicial proceedings, the charter was cancelled in 1684, and the first great corporate colony came to an end. Before permanent provision could be made for its future government, King Charles had died, to be succeeded by his frankly Catholic brother, James the Second.

The increasing rivalry with France was rapidly growing in intensity, and thoughtful men saw the certainty of war. It was decided to do away with the separate colonial establishments, at least in the North, and to make the whole region from the Delaware to the boundary of Canada one great Dominion under the governorship of the able but tactless Sir Edmund Andros. The policy which Andros had to apply would have taxed the genius of a statesman. Inevitably unpopular on account of the thing which he had come to do, Andros made himself still more unpopular by insisting that the meeting houses of Boston should be open to the services of the Church of England. He also denied that land granted by the towns gave legal title, and required the individual landholders to have their titles confirmed by royal authority. Stories were told that Andros was in the pay of the French and was about to betray his province to the

Catholics. And while these stories were false, they were generally believed not only in New England but in New York.

In this moment of darkness, when the New England leaders seemed to have lost everything for which their fathers had come to the new world, a rumor arrived in April of 1689 by way of the West Indies, that James the Second had been driven from his throne, and had been succeeded by the Protestant William, Prince of Orange, and by Mary his wife. Without waiting to confirm the story, crowds were organized, and the royal officials were seized. Andros and the hated Randolph were allowed to escape to England without harm. William and Mary were proclaimed as King and Queen, and the Puritan leaders resumed their lost authority.

In New York at the same time, the common people found a leader in Jacob Leisler, an ambitious German, and sent the Lieutenant Governor back to England. But Leisler represented somewhat the same elements in New York which had gathered under the banner of Bacon in Virginia a few years before. His authority was not acknowledged by the great fur traders and landed gentry who under the leadership of Peter Schuyler made Albany their home. The arrival of a new governor was delayed for three years, and Leisler had his hands more than full in compelling the obedience of the old families, and in defending the colony against the ravages of the Indians, who, under the influence of the French, took this opportunity to attack and destroy the frontier town of Schenectady. When Governor Sloughter arrived with the King's Commission, Leisler hesitated to give up his powers. When he finally surrendered, Leisler and his son-in-law, Milborn, were tried for high treason, and by the advice of the wealthy men who made up the Governor's Council, the two popular leaders were

carried to the gallows. Leisler, like Bacon, had failed because the aristocratic influences in the colony had been too strong for him. The Revolution succeeded in Massachusetts because the leaders were also the dominant group in the colony.

King William was at heart no more anxious to grant complete local autonomy to Massachusetts than his predecessors, but he was newly seated on the throne, and had his hands more than full with the international difficulties of his position. The Puritans sent their ablest man to England, the Reverend Increase Mather, a member of an old and very prominent family. Mather was a real diplomat, like Roger Williams and John Winthrop before him. Fortunately for the cause of religious toleration, he was unable to regain the restoration of the old charter, but in 1691 he did secure a new one. The Governor was to be appointed by the King and the basis of the old theocracy was undermined by the provision which made property and not church membership the basis of the franchise. But the local authority of the towns was left intact, and even the Council was to be elected by the legislature and not appointed by the Governor as was the case in other royal provinces. By the exercise of his veto, the Governor might control to some extent the composition of the Council.

Under the new arrangements, Plymouth lost her autonomy and was added to Massachusetts. The purchase by Massachusetts of the disputed region in Maine was confirmed, but New Hampshire was continued as a separate royal province, with the familiar arrangement of a Governor and Council appointed, and an elected assembly. Connecticut and Rhode Island had never lost the charters granted by King Charles, and now became the only remaining examples of the corporate

organization which had once been found in four of the New England colonies. Until the time of the Revolution, these two little colonies continued to elect their own governors, and after the Revolution their charters became the Constitutions of States without the necessity of revision.

The diplomacy of Increase Mather was also seen in the selection of the first royal governor, who was to be no less a person than a self made son of Maine, Sir William Phips, who had recently acknowledged a somewhat tardy conversion to the Congregational church, and who was completely dominated by Increase Mather and his even abler son, also an orthodox minister, Cotton Mather. The Mathers might indeed exclaim that the vineyard of the Lord had been saved by Divine Providence!

On receiving the good news, Cotton Mather wrote in his diary: "The time for favour was now come; the sett Time was come! . . . All the Councillors of the Province are of my own Father's Nomination; and my Father-in-law, with several related unto me, and several Bretheren of my own church, are among them. The Governour of the Province is not my Enemy but one whom I baptized, namely Sir William Phips, and one of my own flock, and one of my dearest Friends." Little did the great Puritan priest reckon that in the new charter were the seeds which were to make of Massachusetts one of the most liberal commonwealths!

Sir William Phips was one to whom in his sermons Cotton Mather loved to point as an example of what God might do for a man who helped himself. Phips had been born in poverty in the frontier community of Maine, the son of a village blacksmith. He had early taken up the business of shipbuilding in which by diligence he prospered. Removing to Massachusetts, he

had won the hand of a lady of wealth. He had heard that off the coast of Santo Domingo a great Spanish treasure ship had been wrecked in shallow water. With the help of some English capitalists whom he interested in the project, he organized an expedition and actually recovered the treasure, to the extent of three hundred thousand pounds, a vast sum for those days. In spite of the complaints of his crew, he kept faith with his employers, and retaining only about ten percent as his own share he handed the remainder over to them, thus winning influential friends. It was just after this lucky enterprise that he joined Mather's church. On the outbreak of the war with France which was made inevitable by the accession of William of Orange to the throne of England, he led a colonial expedition to capture Quebec. He was foiled partly by his own inexperience for so large a venture, partly by the lateness of the season, and largely by the genius of the great French governor Frontenac. But he had shown enterprise and imagination, and probably deserved well his new appointment. He remains an interesting example of the opportunities for poverty in colonial New England.

On his arrival in Boston, the new governor found the people in the midst of one of those great panics which from time to time seem to sweep away the common-sense of whole communities. Phips' first task was to appoint a special court for the trial of suspected witches.

The belief in witchcraft was very common in Europe from a very early day. Of late, with the rise of the scientific spirit, it had begun to decay. There had been seventy cases in England since the Restoration, but of those accused only two had been convicted and hanged. But the Puritan theology was essentially unscientific, and tended to ascribe every unusual occurrence to the direct Providence of God or the sinister influence of the

devil and his angels. Beginning in 1681, Increase Mather had begun the collection of examples of supernatural influence in the life around him. The ministers were asked to get the help of members of their congregations in supplying instances of "divine judgements, of thunders as are unusual, strange apparitions, or whatever else shall happen that is prodigious, witchcrafts, diabolical possessions, and judgements on noted sinners." As a result of this piece of earnest research, which must have greatly stimulated the imaginations of the people, he published a book called, *Remarkable Providences*.

His son Cotton, then at the beginning of a long ministry, became convinced that there was a special plot against New England under the direct guidance of the devil. Somewhat later, he gave literary expression to his conclusions in the *Wonders of the Invisible World*, one of the strangest books ever written.

The belief in witches may have been unconsciously stimulated by the animism of the Indians, who ascribed a spirit, good or bad, to every object in nature. In the war which was being waged, the New Englanders were subjected to the merciless cruelties of persons who must have seemed to the imagination very devils. In 1688, some children in Boston had accused a washerwoman of being a witch, and the old woman had been promptly tried and hanged. Early in 1692, children in Salem were affected by fits which we should perhaps now call hysterical, cataleptic, or epileptic. They accused certain women, who on examination, accused still others. A great fear came on the whole community. Before the delusion had run its course, two hundred had been accused, one hundred and fifty had been imprisoned, and nineteen executed, including one who refusing to plead either guilty or not-guilty, in order to save his property from confiscation, had been pressed to death.

When the hand of suspicion began to point to some of the most respected members of the community, a reaction set in. The minister at Wells said that "there neither are nor ever had been witches." He was condemned to death, but the people murmured at his execution. Cotton Mather attended, conspicuous on his white horse, and harangued the crowd, saying that the devil sometimes appeared as an angel of light. But the people were unconvinced. Some of the merchants of Boston denounced the proceedings as cruel and unjust. Robert Calef, who took the lead in this movement, using only an appeal to commonsense, wrote a book whose very title was a satire. Calef's *More Wonders of the Invisible World*, written in a clear and vigorous style, dealt the belief in witches a blow from which it never recovered. Samuel Sewall, one of the judges, arose in church and asked the forgiveness of his fellow men for what he had done. From the time of the witchcraft episode, the Mathers lost much of their old influence. Increase Mather was finally deposed from the Presidency of Harvard College, and though the orthodox soon after founded Yale, the churches themselves became more liberal. The courage and the idealism of the Puritan remained as a constant influence in New England life, but the days of the Holy Experiment were clearly numbered.

The great war with France which had commenced in 1690 was fought, with only a short truce, throughout the reigns of William and of his successor Queen Anne, and was only brought to a close with the Peace of Utrecht in 1713. The chief incidents of this war were largely European, and the fate of the colonies was determined by the campaigns of Marlborough and Eugene, rather than by anything which happened in America. Only the northern colonies were drawn into the contest at all,

and then only when the Indians and the French appeared on the frontier. The destruction of Deerfield was made familiar by the narrative of the sufferings of the settlers who were carried away to Quebec in the depths of winter. Two attempts were made to capture the capital of the French, one to which we have already referred by the colonists themselves under Sir William Phips, and a later enterprise under Admiral Walker, in the period of Queen Anne, which failed when the transports were wrecked in the gulf of St. Lawrence, through the complete incompetence of the British admiral. Admiral Walker believed that his vessels were near the southern shore, when as a matter of fact, they were approaching the breakers on the north. When told that the fleet was in danger, he did not trouble to get out of bed, but ordered the vessels to sail due north. Transports laden with soldiers were driven on the rocks, and for days the Indians on the coast gathered the debris of what had been the hope of England for the conquest of Canada.

In spite of these failures, the general results of the war were favorable to England's colonial interests, for Louis XIV had spent his resources and was no longer a menace to the independence of Britain. In America, the English recovered their factories on Hudson's Bay which had fallen into the possession of the French. After several failures, Acadia, the present Nova Scotia, was conquered in 1710, and by the treaty of peace this old French community was added to the British possessions in the New World. England had made her position in Newfoundland secure, but from the ramparts of Quebec the French still controlled the western fur trade. Her great explorers had carried the fleur de lis of the Bourbons far into the western country and had become familiar with the whole course of the Mississippi. In 1702, Bienville had established a French fort at Mobile

in dangerous proximity to the Spaniards. Once a year, a great flotilla of Indian canoes, laden with the precious furs, reached Montreal, guided by the adventurous French traders, and in that market the furs were exchanged for the brandy and the trinkets so dear to the Indian heart.

The long contest had exhausted the energies of both rivals, and was followed by more than a quarter century of peace, from the Peace of Utrecht in 1713 to the outbreak of a new war with Spain in 1739, which soon broadened into the last great contest for imperial supremacy. In England, Queen Anne was succeeded on the throne, by a German, George, Elector of Hanover. The new king was chiefly interested in his European dominions; his title to the throne was somewhat vague, and he spoke only broken English. The general result was to increase the growing power of the leaders of Parliament, and to make the Cabinet the real executive. For twenty years, Sir Robert Walpole was prime minister, and by his great political abilities managed to control the destinies of England. Parliament was taking an increasing interest in colonial affairs, and in 1710, had established a general colonial post office. But Walpole was too much interested in politics at home to desire to repeat the experiment which had failed so disastrously for Sir Edmund Andros. No attempt was made to tax the colonies or to limit their increasing powers of self government.

During this period of comparative neglect, the most important incident was the establishment of the last colony on the mainland. The founding of Georgia was due partly to humanitarian and partly to military considerations. James Oglethorpe had become greatly interested in the fate of debtors. Debt was regarded as a species of fraud, and the insolvent bankrupt was

kept in prison at his own expense until he either died or paid his debts. South of Charleston, the Spaniards were firmly established at St. Augustine, and from that point managed to control the Indians of the Southwest. They were suspected of instigating recent Indian wars on the frontiers of the Carolinas. Oglethorpe believed that a colony could be planted south of the Savannah River, which would give a refuge to the poor and would also serve as a military barrier against the Spaniards. It was an evidence of the growing humanitarian spirit which distinguished the eighteenth century from those before, that he was able to get contributions from many people in England for the purpose which he had in mind. In 1732, he obtained a royal charter for his projected colony. The new experiment was neither a business venture like Virginia, nor a result of common action among the discontented classes, like Plymouth or Massachusetts. The control of the colony was to be in the hands of a group of trustees for a period of twenty-one years, and after that time Georgia was to become a royal colony. The government was originally left largely to Oglethorpe himself, who selected the first settlers and led them in person to the new world. As a colonial experiment Georgia bore a striking similarity to a Roman colony, founded on the outskirts of the Empire, intended partly to draw away dangerous elements in the population at home, and partly to defend the frontiers.

Bearing in mind the origin of his colonists, Oglethorpe made provisions to prevent the alienation of land and to keep the wealthy from engrossing the soil. These are forerunners of the homestead laws which at a later period became familiar in the West. Slavery was prohibited, and rum could not be imported. All these paternalistic provisions proved unsatisfactory to the

colonists who argued that they could not compete with the plantations to the north. Before Georgia became a royal province, the original purpose had been given up and the plantation with its slaves became the fundamental economic unit. In the matter of defence, Oglethorpe was more successful. He made a long and dangerous journey to the Indian country, and established firmly the English fur trade in that region. He also planted a fort on the sea coast in the neighborhood of the Spaniards, and when war finally commenced he led an expedition against St. Augustine. Although he failed to conquer that city, he did check the attacks which the Spaniards made upon his own colony, and so accomplished the chief purpose for which it had been founded.

When the colonies had first been established, there had seemed to be unlimited room for all. The early settlers in Virginia, for example, heard only vaguely of the presence of the French in the north, of the Dutch on the Hudson, and of the Spaniards to the south. Only the Spaniards had clear geographical notions and definitely foresaw the great contest which was preparing, and they were too weak, with an empire too widely spread and vulnerable to prevent what they so greatly disliked. But they did what they could to extend their possessions into the disputed region. Far to the west they had founded Santa Fé in 1609, three years after the creation of the London Company, and in the same year in which the French under Champlain had definitely established themselves at Quebec. In 1690, they had pushed their missions into the great unoccupied plain of Texas, in direct answer to the ambitious plan of the French La Salle to found a colony in the same region. When the French established themselves at New Orleans in 1718, the Spaniards were laying at San Antonio the foundations of the first permanent city in Texas. Later

in the century, they occupied California, at the very beginning of the American Revolution, to prevent the ambitious Russians from gaining a foothold from Alaska. But the resources of Spain were quite unequal to her mighty imagination. Her kings now belonged to a branch of the same Bourbon family which sat on the throne of France. Both countries were definitely Catholic in religion. So that in spite of smouldering rivalry, Spain and France for the most part acted together in the great contest which was now beginning for leadership in North America.

It had been the policy of the old Whigs under Sir Robert Walpole to develop British commerce by a policy of peace. But the rivalry between English sea captains and the Spaniards had proved too strong for him and he had been compelled to retire from the position of power which he had done so much to substitute for the old personal authority of the King. The war with Spain, which commenced in 1739, was short and proved a mere prelude to the later struggles. The British under Admiral Vernon failed to capture the great stronghold of Cartagena, but the expedition was memorable because the colonists contributed to its resources. To America, the chief importance of the war lay in the proof which it gave of the wisdom of Oglethorpe in founding a buffer colony in Georgia.

The second period of war was one in which the leading antagonists were England and France, and in which as in early wars, the high stakes were European. It lasted from 1744 to the peace of Aix-la-Chapelle in 1748. Aside from the usual border raids, the chief American incident was the capture of the great French stronghold of Louisburg, on an island which commanded the mouth of the St. Lawrence and which threatened the New England fisheries, by an expedition of colonists under a colonial

leader, Sir William Pepperell, aided by a British fleet. The colonists had engaged in this enterprise, which was essential to their safety, with great enthusiasm. For its success they had made sacrifices. They prided themselves on the heroism of their untrained militia in the assault on a position which had been deemed impregnable, and when Louisburg was handed back to France as one of the bargains of the diplomats at the conclusion of peace, they felt poorly rewarded by the fact that the colony of Massachusetts which had made by far the greatest sacrifices was given a large sum of money. The incident was important for Massachusetts because it enabled her to redeem her depreciated paper currency.

Both the French and the English realized that the peace of 1748 was a mere truce. The final contest was yet to come. The French had a colony of less than one hundred thousand settlers on the St. Lawrence, while the English colonies on the long seaboard had now more than a million people. But the French were united under practically military discipline, and they were much more sure of the allegiance of their Indians, whom they had treated with sympathy and almost as equals. When the French established a station, it was a mere center of trade. Every English village was soon surrounded by the fields of the settlers who cut down the forest and pushed the Indians still further into the west. Above all, the English colonies were separated into thirteen communities, different in origin, divided by disputes as to boundary and trade, and unable to act together except in some great emergency. The issue of the struggle in America was therefore doubtful, and depended in the long run on the control that the two rival navies might be able to establish on the mighty sea, which could serve either as a great highway for armies and equipment or as a barrier and a protection against attack.

The best land east of the mountains had now been occupied. English fur traders had penetrated the Indian country and had even established a post at Piqua on the Miami River. In 1749, the very year after the treaty of peace, a great land company, largely composed of Virginia planters, was chartered to found a new colony along the banks of the distant Ohio. The French were not blind to the dangers of such a movement, and in the same year sent an explorer, Celoron de Blainville, to stake out the claims of France and to win the allegiance of the wavering Indians. Celoron paddled down the Ohio to the mouth of the Great Miami, and completed his circuit by way of the rivers of what is now western Ohio. At convenient places, he buried lead plates with the fleur de lis of France. But after all this was no more than a magnificent gesture, and France must plant herself more firmly if she was to keep her hold on the Indians and the all important furs.

The strategic position was clearly the forks of the Ohio where Pittsburgh now stands. In the early spring of 1753 the French built a fort at Erie and another on the head waters of the Alleghany, which they called Le Boeuf, one hundred and twenty miles north of the future Pittsburgh. They also compelled the surrender of the single station of the new Ohio Company at Venango. The Governor of Virginia, Dinwiddie, was one of those who were chiefly interested in the Ohio Company, and he sent a young surveyor, a member of an old and wealthy Virginia family, only twenty-one years of age, George Washington, accompanied by an experienced western fur trader named Cristopher Gist, on the quixotic mission of requesting the French to withdraw from a region which seemed to them so clearly English. The boy and the trader were received with Gallic politeness, but they were told that the French garrison could

not withdraw without orders from the Governor of Canada. Late in the fall of 1753, Dinwiddie also sent a small party to the forks of the Ohio to build a palisaded fort.

When the ice melted in the rivers in the spring of 1754, the French sent an expedition in canoes down the Alleghany, drove away the fort builders, and continuing their work, called the place Fort Duquesne. It was the first clear act of war, and the next move was with Dinwiddie. He appealed to the neighboring governors for support in the emergency but received scant encouragement. But he did collect a body of three hundred men, and sent them under the same young man, now Major Washington, to seize the coveted position. In the first skirmish Washington was successful, and defeated a small party of French and Indians south of Pittsburgh, killing their leader and thus shedding the first blood in what was to prove the beginnings of a great world war. But the Indians and the French were pouring into the forest. Washington had yet to learn the art of war. He stationed himself in a clearing called Great Meadows, where he built a rude fort, to which he gave the ominous title of Fort Necessity. Here he was surrounded in July of 1754, and compelled to surrender. Washington and his men were allowed to withdraw to Virginia.

France and England were still supposed to be at peace but the authorities at home were beginning to realize the importance of the contest for position which was taking place in the western forest. They sent General Braddock, who was a brave officer but who could only fight in the most approved European fashion, with two regiments to aid the Virginians in regaining the pivotal position. Braddock pushed west in the early summer of 1755 with about a thousand men, partly regulars and the remainder colonials. His wagons had been secured by

the energy of the leading citizen of Pennsylvania, Benjamin Franklin. Near Pittsburgh, the English General was attacked by the French and Indians. It was not an ambush, as used to be believed, but a regular forest fight in which the French kept themselves invisible in the trees and poured a withering fire on the long column hampered by baggage which strung along the newly cut road. In their brilliant red coats and keeping to the close formation which succeeded so admirably many years later at Waterloo, the British soldiers proved a perfect target. The disaster was complete. Braddock was mortally wounded and was only carried from the field with difficulty. Washington commanded the retreat with skill, and regained the prestige which he had partly lost the year before, and which made him in later years one of the central figures in all history. But for the moment all was lost, and every English trader and settler abandoned his clearing and fled to the safety of the older colonies. Even there only Washington and his militia stood between the border settlements and all the dreaded horrors of Indian war.

While these events were taking place near the forks of the Ohio, the colonies north of the Potomac had come to realize for the first time the need of common action. It was above all essential that some steps be taken to preserve the ancient friendship with the Iroquois. In June, 1754, a few days before the surrender of Washington at Fort Necessity, in Albany, then a little frontier community of about two thousand people, twenty-five representatives of all the colonies north of Virginia met at the suggestion of the home authorities in the first important American Congress. To that assembly were invited the chiefs of the Iroquois. Among the twenty-five delegates were many who were to be well known as patriots or tories in the later struggle. One of the two

chief figures was William Johnson, a great landed proprietor, who from his semifeudal estate of one hundred thousand acres in the valley of the Mohawk exercised a wider influence among the Indians than any other white man had ever secured. The other dominant figure was the wealthy and influential newspaper owner of Philadelphia, Benjamin Franklin, who was greatly interested in western land schemes, and who came to the conference with a well planned constitution, which he hoped would be accepted as the basis of a permanent union among the colonies. Previous congresses had been largely composed of governors. The Albany Congress was one of delegates.

The Indians were loaded with presents and with promises, but one of their chieftains expressed the prevalent discontent when he said, "Look at the French: they are men; they are fortifying everywhere. But you are like women, bare and open, without fortifications." It took all the diplomacy of William Johnson and all the great forces of a traditional friendship to keep the Indians on the English side.

Franklin's plan of union was adopted by the Conference and recommended to the various colonies. It provided for a Council composed of delegates elected by the colonies in proportion to their strength, and for a Governor General to be selected by the home government, and exercising the veto power. The Council was to have the right to levy taxes for common purposes, to make laws, and to enter into binding treaties with the Indians. It was to work out a plan for the division of the western lands. The colonies were to be left with complete authority in all local matters. Franklin always believed that in this plan there was a wise and fair disposal of the growing and difficult imperial problem, and that by its adoption the American Revolution

might have been averted. But the various colonies were too jealous of their privileges to accept it, and in the growing preoccupation with the great war the authorities in England never seem to have given it serious consideration.

The two years which followed the defeat of Braddock were a period of deep gloom for England. Every ship brought news of a disaster, and her ally, Frederick the Great of Prussia, was fighting what seemed to be a losing battle on the continent against a ring of enemies. In the history of the French in Canada there are five great names: Cartier the explorer, Champlain, the founder, La Salle, who extended the dominion of the French to the far interior, and Frontenac, the Governor who saved New France from conquest in 1690. To that list was now added that of the Marquis de Montcalm, who in spite of the treachery and corruption of the Intendant, Bigot, organized Canada for defence and did what in him lay to save a rich dominion for the Kings of France. In 1757, Montcalm controlled the Great Lakes and was firmly planted on the head waters of the Ohio and the Hudson.

But the tide had begun to turn. England had selected as her leader a man of commanding genius in the person of William Pitt, who raised forces, selected able commanders, and infused something of his energy and spirit into the administration. He stimulated the colonies by recognizing the commissions of their militia officers and by promising reimbursement for their expenses. In America the results were soon evident. In the spring of 1758, Louisburg was captured for the second time by a joint naval and military expedition in which General James Wolfe gained prestige and glory. The French forts on Lake Ontario were occupied, and when an expedition under Forbes reached Pittsburgh late in the

year, accompanied by colonial troops under Washington, it found that post abandoned and burned. Fort Duquesne now became Fort Pitt, in honor of the Great Commoner, and the problem of the western border was for the moment solved. Other events followed in quick succession which would deserve a larger treatment in a history of Canada and the British Empire, but which had only an indirect result upon that of the United States. In 1759, Wolfe ascended the Heights of Abraham and captured Quebec, the long sought capital of French America, after the well known contest in which both he and Montcalm met their fate. In 1760, Montreal surrendered, to the victorious British forces. Two years later, after Pitt had been forced from office, Spain entered the war on the side of France, and lost both her great port of Havana in Cuba and Manila in the Philippines.

By the treaty of peace, the prestige of France was given what seemed a fatal blow. In America, England received Canada from France and Florida from Spain, in return for Havana and Manila, which were now returned. England had consolidated all her possessions east of the Mississippi, and with the regions which Clive had gained for her in India, had established an empire second in size only to that of Spain and vastly greater in potential wealth. Louisiana had now become useless to France, and with its capital at New Orleans, was assigned to Spain. The unforeseen imperial process which had begun when Charles the Second returned to the throne in 1660 was now complete. At that time England had possessed three small and widely separated groups of colonies. These had now been rounded into an empire. Would the power which had the strength to conquer also find the greater wisdom it would take to govern? Only time could show.

CHAPTER IV

COLONIAL LIFE AND INSTITUTIONS

THE immigrants who came at various times to America were Europeans with the inherited characteristics of their time and class. A few of the early settlers in Massachusetts belonged to the lesser gentry. The planters of Virginia and Maryland contained a larger number of the same social class, but the great majority were agricultural laborers or small farmers, who had constituted an essentially peasant population, with its great conservatism and dependence on authority. The fundamental problem of colonial history is to understand how these early settlers became in the course of a few generations something quite different, the Americans of the Revolutionary period with a marked individualism and a strong dislike of restraint.

In this process, geographical factors evidently played a large part. The first of these to show its effects was the mere element of distance which added to the difficulties of travel and as we have already seen, made the process of colonization selective. The average cost of passage from England may be placed at ten pounds. Whether the colonist came of his own free will or as an indentured servant, some one was compelled to assume the cost. The perils of the voyage were very great, and to these were added the dangers of the new climate. The obstacles tended to the selection of the young, the vigorous, and the energetic.

Mere distance also combined with historical accidents to give to the colonies that political detachment from the mother country which was one of the sources of their self government. In intellectual matters, it separated the early American from many invigorating currents which were beginning to flow in Europe, and allowed him to cherish prejudices like the belief in witchcraft which had already largely disappeared in other countries. The very language of America, especially on the frontier, preserved certain archaic words and phrases. Folk songs which had once been used in England and then forgotten could be heard again on the American frontier. The old English conception, that an Act of Parliament may be contrary to some higher law, was never fully replaced by the new European idea of the sovereignty of the State. Distance contributed, curiously enough, to make Americans at once the most progressive and the most conservative of peoples. It is interesting to speculate, though impossible to answer in any detail, just how Americans would have been different if the sea had been less wide or if the means of transportation had been more cheap and swift.

A second decisive geographical condition of American life was the fact that the settlers found their homes in series of coastal plains backed by a ridge of mountains. To us today the Alleghanies seem insignificant, but to the colonist with his inadequate means of transportation it was quite different. When Governor Alexander Spottswood, the most eminent royal governor of Virginia, reached the summit of the Blue Ridge, in 1716, and looked down upon the rich valley of the Shenandoah, he seemed to his contemporaries to have performed a great adventure, as indeed he had. The rivers of the eastern coast, unlike the lordly Mississippi and St. Lawrence, at the mouths of which the French were established, did

not lead far into the interior. Most of them were soon broken by falls which impeded navigation, and served as barriers between neighboring groups of colonists rather than as avenues. Others, especially the Hudson and the Susquehanna, were soon turned north and south by the mountain barrier.

The result was that the colonial population grew into a comparatively compact group before it began to spread beyond the mountains. The fur trade was important but always secondary to agriculture. Such a population grew rapidly in numbers by mere natural increase as well as by immigration. If the people had scattered along a great river as did the French, they would probably have been more dependent on outside control, and would not have developed so completely those local institutions which became constantly more vital to them than their dependence on the mother country.

At the same time that they were separated from each other, they were also united by the great highway of the sea, and by the still more important factor of a great longitudinal valley, just west of the first high range of hills. By way of the Shenandoah valley, immigration, turned back by the impassable heights of the mountains, found its way from the north to the south, and created in the back country a population of frontier farmers, who were no longer so much Virginians or North Carolinians as Americans. In these ways there gradually arose among the people of the eastern coast of North America a faint beginning of a feeling of nationality which made them distinct from the people of the other group of colonies which England had established in the West Indies as well as from the English themselves. In this gradual process, geography was of course only one factor, but it was probably decisive.

A still more important condition of early American life

was the presence of abundant land. The settlers found their new home in a region which was only sparsely occupied by a primitive people that was just passing into the agricultural period of development. Indian civilization did not exist in North America as something to conquer and exploit. In that case it doubtless would have left deep traces on both the race and the social qualities of the conquerors. But the Indian was something to be used temporarily in the fur trade, and then to be pushed back ruthlessly in the quest for free farms on the frontier. The influence of the Indian is to be seen only in a few words used in America, and perhaps in a more subtle way in folk-lore and in certain qualities of mind. But for the most part he was present almost like an adverse natural force. His room was more desired than his company.

The presence of this body of free land tended everywhere to break down complex and artificial institutions which were established in imitation of old world conditions or in answer to religious feeling. By its constant invitation to the semi-feudal settler, it was the free land which more than any other factor came into competition with the manor in Maryland, the barony in Carolina, and the Patroon grant in New York, and created a society, which, contrary to all the prepossessions of the founders, was increasingly democratic and self-sufficing. Even the property qualification for the suffrage was an essentially democratic institution in a society where every one either owned land or expected to do so. Similarly, as we have already seen, the freedom of the frontier made impossible any system based on the permanent supremacy of any religious group. When the discontented could so easily set up for themselves, both the manor and the Holy Experiment were subjected to ruthless competition.

If both religious toleration and democracy can be at least partly explained in terms of free land, the same factor was the essential condition in another curiously different result, the establishment of slavery. Land was cheap, and could be cultivated with little regard for the preservation of the soil. Labor was dear. The indentured servant might serve very well as a basis of profits, but though his original cost was scarcely more than the expenses of transportation, he had a persistent tendency to run away to the frontier, and that in spite of the most stringent laws. It was small comfort to a planter to know that the servant's ears might be cut off for his fault, unless he could first catch the runaway, and one hundred miles away from the plantation he might easily gain a new name and be lost in a population which asked few questions and allowed none to be asked by strangers.

Then there were other difficulties. The servant might die in the passage and still have to be paid for. Or he might succumb to the climate, while he offered no greater resistance to the tomahawk than a freeman. Worst of all, just when his value was the greatest, after four, seven, or in some cases ten years, he had to be furnished with two suits of clothes and enough corn to last him a year, and be given his freedom. The negro slave from Africa or the West Indies cost perhaps as much as fifty pounds, but once trained, he served for life, and his children and his children's children served after him. Given a staple which could be sold like tobacco, and a body of rich and abundant land, the introduction of slavery was almost inevitable.

The first slaves, as everybody knows, were landed in Virginia from a Dutch trader in that same memorable year 1619, which also saw the establishment of the first representative assembly in America and the landing of the first cargo of maids, who were to become the wives

of such of the settlers as were ready to pay for their passage. But the supply of indentured servants from the slums of London and from the almshouses of the country parishes was still abundant, while the source of negro slaves was still precarious and in foreign hands. Accordingly, slavery did not take root until the end of the century, when conditions of labor in England had greatly improved.

The first large shipments of slaves were brought over in the closing years of the seventeenth century by a great English monopoly, the Royal African Company. In 1698, the trade was thrown open, and after that time many slaves were brought to the plantation colonies by New England ships, and Newport, in the old freedom loving colony of Rhode Island, became the chief center of the slave trade. During the eighteenth century, it was found that raw African negroes did better in the West Indies than in the colder mainland, and towards the end of the colonial period most of the new American slaves were those of the second generation, whose parents had been seasoned by one generation in the sugar islands of the West Indies. When rice was introduced into South Carolina in 1694, and indigo in the middle of the next century, the demand for slaves rapidly increased. It was believed that only a negro could cultivate rice in the malarial swamps of the seacoast, and by the middle of the eighteenth century, the negroes outnumbered the whites in the far South. In New England and the North generally, they were kept as house servants, largely as an evidence of what an economist has called "conspicuous consumption," for the conditions did not allow the institution to take root. Towards the end of the colonial period, with the drop in the price of tobacco and the exhaustion of the rich Virginia tidewater, criticism of slavery not only as an economic but as a social system

became increasingly common in Virginia, until it was given a new lease of life, as we shall see in a later chapter, by the invention of the cotton gin, and the acquisition of land in the Southwest.

But this belongs to a later period than the one which we are now discussing, and in the colonial period, even those who had no slaves, believed that it was an institution divinely ordained for the benefit of both the negro and the white man. The chief exceptions were Samuel Sewall, a lovable figure, in spite of his connection with the witchcraft episode, and above all some of the Quakers of Pennsylvania, whose religion led them to give less thought to the future life and more to the improvement of social conditions of this. One of these, John Woolman, whose journal is perhaps the noblest document of the eighteenth century in America, sought in his kindly way to arouse an opposition to slavery. But his was a voice crying in the wilderness, to which practical men had no time or opportunity to listen.

Side by side with slavery, but always decreasing in relative importance, the system of indentured service continued until the end of the colonial period and indeed, legally at least, until the democratic revolution of 1820. Itself originally a product of the presence of free land and a staple, it was probably the only way in which the continent could be rapidly peopled. The indentured servants were especially numerous in the middle colonies, from New York to the borders of North Carolina. Thousands of them were sometimes imported in a single year. The largest class was the Redemptioners, who were legally supposed to have come of their own free will and to be paying the expenses of transportation by a period of service. Unfortunately, some of these were boys and girls who had been kidnapped or unduly persuaded and deceived. There were individuals in

every English seaport who made a regular business of selling children into a form of slavery. A second group was made up of paupers who were exported by parish authorities. Among the indentured servants, there was a smaller but still important class of convicts who were sent to the colonies in mitigation of the extreme penalty of death, which the harsh laws of the time imposed for almost any offence, however petty. After every civil disturbance, the number was increased by political prisoners, who were sometimes exported, not so much for humanitarian reasons as to increase the revenue of the victors.

One of the early acts of Parliament dealing with the colonies provided, in 1718, that persons convicted of such offences as burglary, robbery, perjury, forgery, and theft,—after being sentenced to death,—might, if their crimes did not seem too heinous, “at the discretion of the court be transported to America for at least seven years,” remaining punishable with death without further trial if they should return before the expiration of their sentence. The reason given for this law was the great want of servants who might be a means of improving the colonial plantations and of making them more useful to His Majesty.

The colonies do not seem to have appreciated these beneficent intentions for from time to time they passed laws to lessen the flow of this undesirable immigration. The royal governors were instructed to veto any laws which hindered the transportation of felons. This became one of the minor grievances between the colonists and the home government.

The total number of convicts of various shades of guilt shipped to the North American colonies has been estimated as high as fifty thousand. While this number is probably somewhat too great, there were undoubtedly

very many, and after the Revolution England was compelled to find a new penal colony in Australia.

Did the descendants of those convicts prove an undesirable class in the American population? This is a fascinating question which has not been examined in detail. But the evidence at our command seems to indicate that in the more kindly conditions of a new country, with abundant opportunities to make a living, they rose rapidly in the social scale, and, with a few exceptions, became as good citizens as many who had come of their own free will. In any case, the number of criminal cases in colonial days was surprisingly small, and always smaller proportionately than the number in England. At a time when in a single session of an English court there were sometimes as many as forty or fifty prisoners sentenced to be hanged, capital punishment became rare in some sections of the colonies.

The general effect of the new imperial attitude, which began in 1660, was to make America increasingly a melting pot. The early colonists had all come directly from England. From that time on, other stocks began to appear in the population. By the conquest of New Netherlands, a colony was added which contained several thousands of people of Dutch, Swedish, and French extraction. From a very early time, New York has been a peculiarly cosmopolitan city. Early in the eighteenth century, it had twelve churches of which the majority represented non-English elements of the population.

With the outbreak of the long war with France in 1689 the old idea that England was overpopulated began to disappear. Englishmen were encouraged to remain at home, and foreigners were welcomed. In 1685, Louis XIV withdrew religious toleration from the Protestants in the repeal of the Edict of Nantes. This act was followed by the flight of thousands of the Huguenots, many of

whom found their way through England and Holland to the New World. They became a prominent part of the people of South Carolina, where they remained near the sea, and frequently united with the Established Church. Others found their way to Maryland and Virginia. A group of Huguenots coming to New York founded the town of New Rochelle, in Westchester. Much later, another French strain was added when the first act of the last war with France was the expulsion of the Acadians from the rich peninsula where they had so long made their homes. When they refused to take the oath of allegiance in 1755, seven thousand Acadians, constituting half the population, were placed on transports, often without much regard to family connections, and carried to the other colonies. Landed at various ports, some remained but the majority was taken to the French colony in Louisiana, where their descendants still form a distinct agricultural element in the population. Others finally made their way back to their old home in lost Acadia.

With the breakdown of the old clan system in the Scotch Highlands, and especially after the unsuccessful rebellions of 1715 and 1745, thousands of Highlanders came to America, some, who had been captured in battle, as convicts, and others with their ministers in communities, which, in North Carolina, secured religious toleration. For reasons which have been only partly examined, the Highland Scotch, in spite of their history, became loyalists in the Revolution, and adhered to the cause of King George, under whose predecessors they had often suffered so cruelly. The Highlanders pushed back towards the foothills, and made a connecting link between the tidewater and the back country.

Still another important Celtic strain was added to the people of the colonies by the importation, especially

into the middle colonies, of Irish Catholic indentured servants. With the founding of Pennsylvania, many Welsh Quakers found their way to Philadelphia, and a number of their descendants became prominent in the affairs of the colony.

But all these streams of colonial immigration were small compared with the thousands who came from Germany, especially after 1710, and the still larger number of Scotch Irish who emigrated from their home in Ulster. Before the end of the colonial period, more than two hundred thousand Germans had arrived, and perhaps as many as three hundred thousand Scotch Irish.

The disintegrating forces of the Reformation had torn the German Protestants into numerous small groups, some of which bore a general resemblance to the English Quakers. William Penn had travelled in Germany with his great leader George Fox, and when he was able to found a colony based on the principle of religious toleration, he made a special effort to secure colonists from that country. They were offered land on easy terms, and accepted readily. The first groups arrived in 1683, and were ordinarily religious communities which settled in the neighborhood of Philadelphia, where the name Germantown bears witness to their presence as Bryn Mawr does to that of the Welsh. With the outbreak of war a few years later, the Palatinate, a rich region on the Rhine, was devastated by the armies of the French and the peasants were reduced to dire suffering. Some of the so-called Palatines were aided to escape to England and from there to New York. With the coming of peace in 1713, the same districts in Germany were often visited by agents of various ship captains. These "Newlanders," as they were called, painted in glowing colors the new world as a region flowing with

milk and honey. The agents were promised a commission for each peasant whom they were able to persuade to emigrate. A few had enough means to make the long journey down the Rhine to Rotterdam and from there to pay their passage to America. But the difficulties were very great. On the way down the river, they were stopped at more than forty custom houses, where they were fleeced by rapacious officials. Their boxes were broken open, and they usually arrived at the seaport penniless and almost naked. They could not turn back, and they were compelled to sign a contract with the ship captain agreeing on their arrival in New York or Philadelphia to become Redemptioners for a term of four or five years. The old people who were useless for this purpose sometimes managed to sell the labor of their children.

The unlucky emigrants were now packed like sardines into the little sailing vessels of the day, where with unusual food and poor water, many succumbed to the miseries of the long passage. Arrived in Philadelphia, the vessel was met by contractors, whom the Germans called "Soul Stealers." These paid the captain a lump sum for his cargo and sold the immigrants, very often to farmers of their own race who were getting a start in the back country. The details of colonial immigration throw a lurid light on the provision of later immigration laws which prohibits the importation of contract labor! In some years as many as ten thousand German peasants were thus imported. In the back country, after a term of labor, they acquired land on easy terms, and their thrift soon changed the wilderness into pleasant farms. As the land filled up, late in the eighteenth century, many of them found their way through the Shenandoah Valley to the hill country of the South. The Germans in Pennsylvania approved the peaceful policy of the

Quakers and usually supported Quaker interests in the Assembly. They took small part in politics, often electing Scotch Irish or Quakers to represent them. But they clung tenaciously to their own communities and language, becoming a group which stood off from their neighbors and who came to be known as Dutch.

The Scotch Irish came from the first permanent English colony which had been planted in Northern Ireland just before the founding of Virginia. The lands which they received had been seized from the conquered Irish, and were held on long leases from English proprietors. The settlers were Presbyterians from the Scotch lowlands or from northern England. At a later period, the stock had been somewhat changed by a small immigration of French Huguenots, and there had been some intermarriage with the Celtic Irish. On the Scotch border, their forefathers had been accustomed from the earliest times to constant wars, and both their religion and the circumstances of their arrival made them the constant and bitter enemies of their Catholic neighbors. They had thus become, in contrast to the Quakers, a fighting race. Their religion, like that of the Puritans, was founded on the teachings of John Calvin. The colony in Ulster is an interesting combination of the business motives which we have seen dominant in early Virginia and of the military purpose which later led to the establishment of Georgia.

The colony in Ulster had increased greatly in numbers until it contained more than a million people, who in spite of their native thrift found it increasingly difficult to make both ends meet. They were compelled to contribute to the support of the hated Church of England, which was, of course, established in their midst. By the Navigation system, they were regarded as foreigners, and their ships were excluded from the colonial trade.

They were not allowed to export their farm products to England, and their chief manufacture of linen was equally discouraged. Above all their leases had been for the most part for a hundred years, and in 1718 the absentee landlords began to demand large rents instead of the small quit rents to which they had been accustomed.

In these circumstances the peasants of Ulster began early in the 18th century to emigrate in large numbers until as many as half the population had gone away. The journey from Londonderry was much easier and less expensive than that which the German peasant had to take from the upper Rhine. The Scotch Irish usually had enough ready money, after selling their household goods and cattle, to pay for their own passage, and they came in communities accompanied by their ministers. Arrived in the new world, some of them went to New Jersey where many of the early Puritans who had come from New Haven joined their church. The Presbyterians became strong enough in the middle of the century to found a college of their own at Princeton.

But the larger number came to the port of Philadelphia, like the Germans. Disliked by the Quakers who feared their influence, they were given lands on the frontier, where they served as a convenient buffer against the Indians. From that center in what was then western Pennsylvania they spread in a great migration north, west, and especially by way of the great valley south. The Shenandoah valley became largely Scotch Irish. Later groups found their way to the back country of the Carolinas. Unlike the Highlanders, they became strong supporters of the Revolution. When the frontier began to fill, they often sold their clearings to the Germans, and moved across the mountains to become the founders of new states. But this larger movement belongs to the

period just after the winning of independence. Everywhere they took their age-long hatred of a Catholic and of an Englishman, to which they added a new-found dislike of the Indians. Remembering their troubles in Ulster, they paid only with protest the small quit rents, which were exacted in Virginia and the Carolinas. Their individualism and desire for free lands made them the typical American pioneers, whose qualities appeared at a later day in men like Andrew Jackson and Sam Houston.

By the middle of the eighteenth century, a population of only two hundred thousand in 1690, had grown to a million and a quarter whites, and almost three hundred thousand negroes. At the earlier date, almost all had been of English stock, and were to be found in widely scattered communities. Now, more than one third were no longer Anglo-Saxons, and the colonists had filled the larger and richer spaces east of the mountains, and every community touched elbows with a neighbor. All were linked together by commerce on the seas, by a common post office, and above all by the tendency of the newer immigrants to move south along the valleys and the foothills of the as yet uncrossed barrier. America had indeed become a melting pot!

Amid the diversity which everywhere characterized America, an interesting example of the growing sense that the Americans were after all a single community is to be found in the tendency of the various religious sects to seek converts in neighboring colonies and to lay the foundations of national churches. The progress of religious toleration had not been unbroken. As a result of the opening of the war with France, Maryland, for example, had repealed her famous Act of Toleration in 1692. After that time no Roman Catholic could vote or hold office. He could not buy land or inherit it;

but this harsh law does not seem to have been actually enforced. The Roman Catholic in New York, who had once had full rights, was now disfranchised. But the number of Roman Catholics in the colonies was after all small, and for the most part, men were left free to worship God in their own way. This result had been specifically provided in the new charter which Massachusetts received in 1691.

The first denomination to enter what was later to be the national field was the Episcopalian, that, under the leadership of the Bishop of London and his able Commissaries, Bray of Maryland and Blair of Virginia, organized a great missionary society, sent devoted missionaries everywhere, and even sought to establish churches in what was at first the stony ground of New England. The desire of the Episcopalians to have an American Bishop of their own, for which the argument on religious grounds was strong, was frustrated by the fears of the other denominations and by the cautious desire of the home government to please the colonists. The fear of such a step, like the common dislike of quit rents, was among the minor causes of the Revolution.

The itinerant preacher and the revival became common incidents in colonial life. The power of the church as an organized political force largely disappeared. The new preachers appealed more and more to the emotions, and especially to the fear of damnation. Francis Makemie, a Scotch Presbyterian, who made a living as a West India merchant, travelled through the colonies on horseback in the early years of the eighteenth century and won many converts. In New York, he was arrested for preaching without a license; he was ably defended by the best legal talent in the colony and in spite of the clearness of the law, was acquitted. The most famous of the colonial preachers was Jonathan Edwards, who,

in 1734, began in his own church in Northampton, Mass., a great revival which soon spread to other places. In 1740, George Whitefield, a companion of the Wesleys, and a man of extraordinary eloquence, arrived in Boston, and from that place carried throughout the colonies the evangelistic forces of the Great Awakening. In Philadelphia, when the more conservative churches were closed against Whitefield, even the unemotional Benjamin Franklin aided in building a great wooden assembly room which might accommodate the crowds which came to hear him. There is an amusing and well known section in the Autobiography of Franklin which bears witness to the effect of the eloquence of Whitefield.

A single passage from the sermons of Edwards illustrates the quality of his preaching, and to some extent that of the scores of itinerant preachers who were the agents of the Great Awakening. In his sermon entitled, "Sinners in the Hands of an Angry God," Edwards preached from a text in Deuteronomy, "Their feet shall slide in due time." As he preached he was interrupted by the groans of his audience. Some were overcome and fell on the floor in a swoon. As he neared his climax, he said: "The God that holds you over the pit of hell, much as one holds a spider, or some loathsome insect, over the fire, abhors you and is dreadfully provoked; his wrath towards you burns like fire; he looks upon you as worthy of nothing else but to be cast into the fire; he is of purer eyes than to bear to have you in his sight; you are ten thousand times so abominable in his eyes, as the most hateful and venomous serpent is in ours."

In New England, the Great Awakening may be regarded as the last stand of the old Puritanism. It was soon followed by a reaction. Men who had thought so much about religion now began to turn with relief to politics and commerce. When Jonathan Edwards published a

list of his parishioners who had read "that obscene book," Richardson's *Pamela*, and tried to keep from the communion table those who had not been converted, his congregation rebelled and expelled him from his pulpit. He went to New Jersey where he became President of the New College at Princeton. In other parts of America, the great revival was a more permanent influence, which cut across the lines of denomination and colony, and, for better or for worse, left a deep mark upon the American character and mind. In the very moment of defeat, Puritanism had extended the bounds of its influence.

From time to time, perhaps on account of its isolation, colonial life was subject to fears and panics. In New York, in 1714, a plot of some forty negroes to burn the city was discovered, and the wretched perpetrators were terribly punished. The incident was never forgotten. In 1741, a number of fires broke out. At length during a gale, a great fire started in the governor's house in the fort. England was at war with Spain, and the story spread that a plot had been made by the negroes, instigated by a priest, who could not be found, to burn the city and to cut the throats of the inhabitants. A reward of one hundred pounds was offered for information which should lead to conviction of the perpetrators. Under this stimulus, a servant girl came forward, who testified that an Irish woman, named Peggy Kerry, a priest, and her master, the tavern keeper, had instigated the negroes to the great massacre. Just as in the time of the witchcraft delusion, those arrested confessed and charged others. In spite of the protest of the more thoughtful people at the insufficiency of the evidence, one hundred and fifty-four people were imprisoned. Four whites, including Hughson, the keeper of the tavern, and Peggy Kerry were executed; fourteen negroes were burned at

the stake; eighteen were hanged, and seventy-one transported. By this time, a saner public opinion was beginning to be effective, and in spite of the protest of the Governor that he was just about to uncover the ring-leaders in the supposed plot, the remainder were pardoned or discharged. The whole body of evidence strikes a modern reader as of the most flimsy character. Massachusetts was evidently not alone in its delusions.

During the whole of the eighteenth century, commerce was growing and exercising an increasing influence on the life of the colonist. In addition to the coast wise trade which was one of the chief links between the various colonies, the colonial ships had developed two well defined direct trade routes, to England and return, and to the West Indies. Many ships also made longer and more dangerous voyages on two triangular routes, to southern Europe and back by way of the West Indies, and to Africa returning by way of the same sugar islands.

The chief purpose of the Navigation System was to establish the direct trade route from the colonies to England as fundamental, as indeed it was. From the tobacco colonies, commercial relations with England were fairly simple and direct. The value of the tobacco ordinarily equalled the cost of the manufactures and articles of luxury which were imported by the planters, and even left a balance to be used in paying for indentured servants or slaves.

The New England and central colonies, on the contrary, had few articles which they could sell in the mother country. To pay the adverse balance against them, they were compelled to trade with the West Indies to which they carried their staves for sugar casks and their wheat and salted fish for the maintenance of the slaves. On the return journey, the New England shipmaster was likely to have his vessel crowded with barrels

of molasses or sugar. If he had made a profit by his voyage he might even have some Spanish pieces of eight, a silver coin which was familiar throughout the colonies and which was the forerunner of the American dollar.

When the molasses had been turned into rum, it might be shipped along with a cargo of fish of better quality to the European countries of the Mediterranean, and there traded for English bills of exchange with which to pay for manufactures or for wines which were in great demand in the West Indies and among the wealthy planters of the South.

The little vessel might now undertake a voyage to the coast of Africa where rum could always be turned into black ivory at an immense percentage of profit. In later years, the slavers returned by way of the West Indies where they loaded again with the molasses which was the basis of the trade.

Since the northern colonies were always in debt to the English manufacturers, there was little opportunity to acquire any English money and as a result pounds, shillings, and pence were used as a mere standard of values, while money as a means of exchange consisted of a bewildering multiplicity of various commodities, of which wampum, beaver skins, and tobacco were the most common. As commerce developed, these were supplemented by Dutch, French, and Spanish coins, which were themselves evidence of the extent of a trade that was forbidden by the laws of all the countries involved. It is an indication of the fundamental absurdity of the current economic ideas of the time, that England prohibited trade with the Spanish colonies for fear that it would ruin the English and that at the same time Spain prohibited the sale of Spanish molasses to the English for fear that the very same trade would ruin the Spaniards.

On account of the natural scarcity of ready money, Massachusetts for a time established a mint, which would have succeeded better if there had been any silver to coin. In time of war and emergency, the legislatures of the various colonies authorized the issue of paper money which soon became quite worthless. The royal governors were instructed to veto such measures as from the point of view of the British merchant seemed likely to defraud the creditor. When even the governors proved subservient, the matter was taken in hand by Parliament which prohibited the issue of such paper currency. In the opinion of John Adams, this difference of opinion between the colonist and the mother country was one of the important causes of the final alienation.

In periods of war, the various combatants issued letters of marque to privateers allowing them to prey upon the vessels of the enemy. When peace came again, many privateers were unwilling to return to the slow and more laborious processes of peaceful commerce. In the uninhabited bays and harbors of the West Indies they found a ready refuge and became members of the brotherhood of the seas which was made up of buccaneers, filibusters, or pirates. The direct trade routes to England were well patrolled and comparatively safe. But the vessels which went to the West Indies, and especially those which followed one of the two great triangular routes to Southern Europe and back by the West Indies, or to Africa and home again in the same way, were subject always to the greatest dangers. Commerce was at all times a species of war, and especially in the years which have been called the golden age of pirates, from about sixteen hundred and ninety to seventeen hundred and ten.

When the various powers began to patrol the West Indies more effectively, the pirates turned to the Indian Ocean and made their depredations from the shores of

Madagascar on rich vessels bound home around the Cape of Good Hope. For a time, these pirates found a market for their goods in New York or in the Carolinas, and it was whispered that the governors of these colonies were sometimes partners in the business. When rice became an article of export from Charleston, pirates were less popular, and the last of them were captured and killed, including the famous Robert Teach, usually called Blackbeard.

The amount of smuggling is difficult to determine. It was probably relatively unimportant, until the passage of the Sugar Act of 1733 which prohibited the importation of molasses from the foreign islands in the West Indies. Since this act would have ruined the important New England industry of distilling rum, the basis at once of the slave trade and of the fur trade with the Indians, the practice of smuggling molasses became universal after that date, and the law became a dead letter, until it was unfortunately enforced at the beginning of the great quarrel with England.

By the middle of the eighteenth century, the form of colonial government had been pretty well established. Two of the colonies, Rhode Island and Connecticut, still selected all their own officials, and were therefore corporate. Maryland, Pennsylvania, and Delaware were the only surviving examples of the Proprietary form of organization, and except for the fact that the Proprietor performed the functions which fell in the royal colonies to the King, had a government substantially similar to that of Virginia and South Carolina and the other royal colonies. Massachusetts, with a governor appointed by the King and an elected assembly and Council, was a compromise between the corporate and the royal types of administration.

All these colonies had a lower legislative assembly,

called by different names, but always composed of the representatives of the freeholders. The governor was appointed by the King or the Proprietor, and the Council, subject to the limitations of custom, by the governor. The governor summoned, prorogued, and dissolved the assembly, and had an absolute veto on its laws. By the method of appointment, and often though not always by birth and sympathy, he came to the colonists to represent an uncontrolled, external authority. Over him they held one important method of control, for the governor and the judges were not paid by the Home Government, but by the colonists themselves. In Virginia, permanent provision had been made at an early date for this purpose from the royal quit rents, which constituted a form of single tax on land, except that they did not vary with the value but with the mere size of the holdings. The colonists hated the quit rent much as they hated their chief executives. The governors of the other colonies constantly tried to get appropriations which would make them independent of the assemblies, but usually without success. The legislatures even selected special officers of their own to spend the money which they raised. In these ways they often compelled the governor to assent to measures of which he disapproved on the penalty of remaining without a salary. Some executives improved their position by accepting bribes from pirates and smugglers. When the governor proved tractable and signed some law, as for example one for the issue of paper money, the assembly was also likely to prove generous.

As time went on, Parliament took an increasing hand in colonial affairs, as when it established a post office in 1710, and again when it passed a general naturalization law for foreigners in the colonies in 1740, which virtually repealed the more generous laws that already existed

in the various colonies. But for the most part the contact between the colonies and the royal government was through the central executive departments, which at least in theory, represented the King.

The most important of these was the Committee on Trade and Plantations to which we have already referred and which after 1696 was called the Lords of Trade. This committee in London always contained a number of experts on colonial affairs. It kept a constant watch on the enforcement of the Navigation Laws, recommended governors for appointment, issued instructions to each new governor, and examined the laws which were passed by the colonial legislatures, and often recommended that such laws be disallowed by royal veto. Laws were vetoed because they conflicted with imperial policy, or because they were contrary to the laws of England.

With the rise of the cabinet system, and with the gradual weakening of the personal power of the King in the eighteenth century, the Lords of Trade became more and more advisory to a member of the cabinet, the Secretary of State for the Southern Department, who came to make most of the appointments and to decide all questions of policy.

Most of the powers of the central government were limited to the royal and the proprietary colonies. But the Privy Council of the King had inherited his old judicial functions, and through its Judicial Committee, a colonist who felt that he had a grievance even under the laws of the corporate colony of Connecticut, might appeal if the law seemed to be contrary to justice, to the charter, or to the laws of England. The same body was also the final judge in disputes between the colonies as to boundaries and other similar matters. Thus the colonists, who had brought over from England the old

idea of limited authority, and who had learned through their charters the importance of written documents as sources of superior law, were accustomed not only to the use of the veto power but also to annulment of laws by the power of judicial review. Here were evidently sources for the later functions of the federal Supreme Court.

In their contests with royal governors, the colonists found increasing aid and comfort in the newspapers which were established early in the eighteenth century and which rapidly became important and influential. In 1733, the *New York Weekly Journal*, under the editorship of John Peter Zenger, openly charged the Governor with corruption in the appointment of judges. The editor was arrested for libel. Under the common law of England, the truth of a charge is no defence in such a case. Indeed, Lord Mansfield, at a later day, made the well known statement, "The greater the truth, the greater the libel." Zenger was kept in prison for several months and when the case came up for trial, his lawyers were disqualified for contempt of court. But his friends had not been idle, and to the surprise of the court, the aged Andrew Hamilton of Philadelphia, the most celebrated attorney in the colonies, appeared to defend the prisoner. The presence of a Philadelphia lawyer in such a case is itself an indication of the growing unity of the colonies.

Hamilton appealed to the jury asking them virtually to disregard the law and the instructions of the court in acquitting the defendant: "The question before the court, and you, gentlemen of the jury, is not of small nor private concern; it is not the cause of a poor printer, nor of New York alone, which you are now trying. No! It may in its consequence affect every freeman that lives under a British government on the main of America!

It is the best cause. It is the cause of liberty, and I have no doubt that your upright conduct this day will not only entitle you to the love and esteem of your fellow citizens, but every man who prefers freedom to a life of slavery will bless and honor you, as men who have baffled the attempt of tyranny, and who by an impartial and uncorrupt verdict, have laid a noble foundation for securing to ourselves, our posterity, and our neighbors, that to which nature and the laws of our country have given us a right—the liberty of exposing and opposing arbitrary power . . . by speaking and writing truth!”

In spite of the direct charge of the court, the jury brought in a verdict of not guilty, which was met by such a roar of applause that the court had to be cleared. The results of the liberty of the press, which was established in America by failure of the Zenger case, were not, as has sometimes been supposed, entirely beneficent. Benjamin Franklin, himself an editor, said that the press had become an irresponsible court, which could ruin reputation without real redress. He spoke in bitter satire of the liberty of the early American press as the liberty of the cudgel. But a power had arisen which was to help to unify the American people and to hasten the tendency towards democracy. The eloquent speech of the Philadelphia barrister is especially significant to the historian of ideas, for it contains the very phrases which became so common in the early period of the Revolution, as well as the ideas of natural law, of freedom, and of a common country on the North American continent which were central in that great struggle.¹

¹ For a brief view of British colonial policy, see especially C. M. Andrews, *The Colonial Background of the American Revolution*. For the fundamental factors in colonial life, see Turner, *The Frontier in American History*, and Schlesinger, *New Viewpoints in American History*, Chaps. I., II., and III.

CHAPTER V

THE EVE OF THE AMERICAN REVOLUTION

(1763-1766)

THE Peace of Paris marked the glorious conclusion of a struggle which left England supreme in the councils of the world. There seemed to be no cloud on a sky once stormy which had been illumined by the genius of Pitt. Though the great war minister had passed from power before the war was won, the results had been as complete as he would have wished. The spirit of the nation had been aroused as never before, and the subjects of the young and virtuous monarch everywhere remembered with a common pride that they were Englishmen, with rights which they had won in historic contests and with a future of almost unlimited possibilities.

To none of these subjects was the outcome more completely satisfactory than to the American colonists who had been relieved of the dread of conquest by a power which seemed to them utterly ruthless. There were still Indians in the west who might make a last stand in the path of the frontiersman, but the Indian unsupported by the wealth and the soldiers of France offered at most a temporary check to the westward sweep of Empire. Reluctantly it is true, but finally, Canada had been accepted instead of Guadeloupe, which many believed to be the richer prize. And Can-

ada removed every doubt as to the ownership of the rich western lands at least as far as the Ohio. The fortunate entrance of Spain into the war had also made it possible to round out the English gains by the acquisition of Spanish Florida, with its vague boundaries and its constant menace to the peace and welfare of the English settlements in the South. As far as the Mississippi there was no rival, except the post at New Orleans which now became the capital of the final extension of the already unwieldy Spanish Empire. Spain west of that great river was a very different neighbor from the one which had frowned down from the ramparts of Louisburg and Quebec. The West had been opened as by a stroke of magic to the enterprise of the settler and the trader, and this result had been achieved by a common expenditure of blood and treasure which seemed to bind together by the terms of heroic memories the various parts of a new and greater British Empire. The statue which Massachusetts erected in Westminster Abbey to the memory of Howe seemed the fitting symbol of so great a deed. Every colony began to teem with plans for settlements in the new West beyond the passes of the Alleghanies.

As has happened so often before, the problems of victorious peace were even more difficult and insistent than the problems of war. The British Empire had been increased not only in America but in the East, where the victories of Clive were to lay the foundations of the wealth which made England the foremost commercial nation of the world. But these fruits were not to be easily or quickly gathered, and after the elation of success, practical men found that they were face to face with very grave difficulties. The debt of the mother country had grown by leaps and bounds, until it had doubled, reaching a figure which seemed

to the men of that day colossal. The great landed interest which formed the backbone of English political power was burdened by a tax of four shillings in the pound, and taxes had been extended to almost every conceivable source of income. Many prominent Englishmen had large investments in the sugar islands of the West Indies, investments which were seriously threatened by the competition of the islands which had been handed back to France and Spain. Measures had to be concerted which should be satisfactory to the landowner, the merchant, and the planter, represented by powerful and by no means harmonious elements in the House of Commons. Such a situation evidently required wide vision, great tact, and above all a strong and wise policy, which should capitalize success without causing the disruption of the Empire.

Unfortunately, the political situation in 1763 gave little promise of the adoption of a consistent imperial policy. The fundamental difficulty was psychological. Few men thought in national terms. Scarcely any, either in England or America, were ready to think in terms of the common welfare of an empire so newly acquired. The state of parties in the House of Commons was the outward symbol of this condition. It is a familiar axiom of politics that parliamentary government works best when there are two and only two parties, each strong and well organized, and ready when in power to carry into effect a well considered set of measures which have ripened under the public criticism of the opposition. At the time of which we are speaking men still used the terms Whig and Tory to represent two general types of political thought. But Englishmen had generally accepted the results of the Revolution of 1689, and in approving the sovereignty of Parliament, not only over England but also over her

dominions and possessions, were in fact Whigs. This community of sentiment attached only to a historical result, and in the consideration of any concrete practical problem, the House was divided into a number of factions and groups, yielding personal allegiance to individual leaders to whom the various members owed their election to the House and from whom they expected rich spoils of office in case of success.

In some respects the government of England bore a close similarity to that of France or Italy at certain periods of the nineteenth century. Each successive government was a mosaic of unharmonious and rapidly shifting parts. Among these groups the most important were the followers of Newcastle and Rockingham, who called themselves Old Whigs, seeking to carry out the earlier policy of noninterference in colonial affairs which had characterized their old master, Robert Walpole. The chief parliamentary spokesman of the Old Whigs was a young Irishman, a representative of the commercial community of Bristol, Edmund Burke, whose eloquent speeches on American taxation and conciliation were destined to become classics of political literature. A second group was united under the great name of Pitt. These were liberal imperialists, who thought less of English wealth than they did of British glory. With the increasing disability of William Pitt, the most active member of this group was the young and brilliant Earl of Shelburne, who studied American problems with care and became the chief author of the Proclamation of 1763. Another faction was led by George Grenville, whose acts were characterized by a passion for administrative efficiency, in which he tended to lose sight of the larger ends of statesmanship and who is remembered in American history as the chief author of the fateful Stamp Act. The followers of the Duke of

Bedford, one of the great landed aristocrats of the kingdom, were commonly called the Bloomsbury gang, on account of their entirely cynical attitude towards the problems of imperial politics. Even more than other politicians, they regarded public office as a source of individual revenue.

Among these discordant elements, the young king found his desired opportunity to build up a party of his own, and through it to control the destinies of empire. His old tutor drew a picture of him two years before he came to the throne which the event proved to be essentially just: "His parts, though not excellent, will be found very tolerable, if ever they are properly exercised. He is strictly honest, but wants that frank and open behavior which makes honesty appear amiable. His religion is free from all hypocrisy, but is not of the most charitable sort; he has rather too much attention to the sins of his neighbor. He has great command of his passions, and will seldom do wrong, except when he mistakes wrong for right; but as often as this shall happen, it will be difficult to undeceive him, because he is uncommonly indolent, and has strong prejudices." Honest, parsimonious, subject to fits of madness, George the Third was yet a man of principle. He had gained from his mother the idea that he was destined to be a patriot king, governing England through the constitutional medium of a parliament virtually selected by himself and subject to his influence. Without humor or imagination, he was a sturdy and indomitable figure, unchanging amid the storms of fate, never so certain of himself as when every bit of news showed that he was mistaken. His tutor said that he was indolent, but he overcame this fault sufficiently to give the most minute attention to the problems of parliamentary politics, for he realized fully that he must govern by

influence and not by power. By playing off faction against faction, by gifts of office, by intimidation, by appealing to the deep loyalty to the throne, above all by attending to business when more brilliant men were enjoying the pleasures of the London coffee houses, or were hunting foxes on broad ancestral acres, George the Third proved himself, not a statesman but a consummate politician, creating a party which under the nominal leadership of Lord North governed England under his direction during those crowded years from 1768 to 1782. It was only at the end of this period when England stood at bay, surrounded by a world in arms, that an opposition crystallized by events and by the flashing oratory of Charles James Fox, could force through the reluctant House of Commons the momentous resolution "that it is necessary to declare that the influence of the Crown has increased, is increasing, and ought to be diminished." In the end the American Revolution was a threefold contest, between two groups in America, between two sections of a great Empire, and in Parliament itself between two theories of government.

But back in 1763, George the Third had been but three years on the throne and still had his spurs to win, and in the rapid changes of British politics George Grenville became Prime Minister, feeling certain difficulties of his situation, but failing to realize the hidden dangers. There were those, indeed, who had pointed out that England might win too much for her own safety. Among them Vergennes, the French Ambassador to Constantinople, had made a prejudiced but sagacious prophecy: "England," he said, "will soon repent of having removed the only check that could keep her colonies in awe. They stand no longer in need of her protection. She will call on them to con-

tribute towards supporting the burdens they have helped to bring on her, and they will answer by striking off all dependence." Some Englishmen had expressed the same fear. Old Lord Bath had described Canada as a vast, uninhabited country, lying in an inhospitable climate. With no commerce except that of furs and skins, it could not be compared with Guadeloupe, which was one of the richest of the sugar islands. "If the people of our colonies find no check from Canada, they will extend themselves almost without bounds into the inland parts. . . . What the consequence will be to have a numerous, hardy, independent people possessed of a strong country, communicating little or not at all with England, I leave to your own reflections. By eagerly grasping at extensive territory we may run the risk, and that perhaps in no very distant future, of losing what we now possess." But the greatest of Englishmen agreed with the most celebrated of Americans that this danger was not real. Both William Pitt and Benjamin Franklin, who knew and understood America well, thought that the bonds of common sympathy and of common interest were too strong to be broken. They pointed out the intensity of the local pride in each of the colonies which made it impossible for them to act consistently together even in the face of common danger, and which involved neighbors in constant quarrels over questions of boundary and trade.

As the event showed, Pitt and Franklin were correct in the observation of the facts, though not in the conclusions which they drew from them. Letters, diaries, and speeches show abundantly that the typical American had two intense loyalties, each genuine and sincere, his loyalty to the empire and his loyalty to his own self-governing institutions. The very intensity of his localism which might separate the man of Massachu-

setts from the very different man of Virginia over a local question, might unite them if local autonomy were in danger. That is the paradox of the Revolution, the binding power of a passion for local autonomy which might seem to an accurate, though hasty observer, to be a mere source of discord and of friction. American union and American states' rights have a common origin.

But his other loyalty was real too. Not only Franklin, but many another American thought of England as home. He used English goods, he read English books, he lived very largely under English laws, when he travelled he went to England, and when he could afford it, he even sent his sons to an English public school or to read law in halls made famous by a long line of English lawyers. He spoke with pride of the English constitution, and gloried in the rights of a free-born Englishman, even as a man of Tarsus, long before, had boasted that he too was a Roman citizen. And all this was true, even though he quarrelled with the royal Governor over his salary, or occupied lands without always paying the royal quit rents, or sold wheat to Frenchmen in time of war, or smuggled sugar in supreme disregard of the Act of 1733. For human acts and human motives do not make a complete or logical system.¹

So long as the two loyalties did not come into conflict, all went well. The colonies had prospered beyond all expectations during the years since they had driven out the unpopular Andros. In numbers, in wealth they had become the envy of other colonial powers. The old navigation system, as we have seen in an earlier chapter, had not borne heavily upon them, and where it had it had been disregarded. But in ways which no man

¹ S. G. Fisher in *The Struggle for American Independence*, a very suggestive work, discounts this side of American character. But to the present author the evidence of deep loyalty seems convincing.

defined or even fully realized, the colonists were no longer Englishmen. From the frontier they had acquired an individualism which made them impatient of restraint and conscious of their own capacity to solve their own problems in their own way. Their social life was simpler, and when they went home to London, they very often found themselves in a strange new world devoted to pleasures which seemed to them to be vices. In their legal ideas they went back to an earlier time, and when they spoke of the English constitution they were thinking of the sixteenth century, when the constitution had been regarded as a body of customs above the laws of legislatures or even the decrees of kings, and when men still spoke of the "High Court of Parliament." From Sidney, from Milton, above all from Locke, they had gathered phrases which denied that any power in the state was really absolute or supreme. They had no real conception of sovereignty, in the sense that any one agency of government is the source of ultimate power, not only interpreting, but actually creating the constitution through the modern power of legislation. They owed allegiance to the Crown, respectful acquiescence in those laws of Parliament which they deemed necessary for the common good, above all obedience to their own assemblies, in which they were represented and which they could change any year with ease if they violated their desires. Representation was not indeed entirely based on numbers, for property and religious qualifications still existed, and the newer counties in the western foothills had not gained in political power as rapidly as they had grown in population. But the system of representation was determined in every colony by general laws, and the members of the assemblies came from the districts in which they were selected by their friends and neighbors. And that is what they meant when

they said that it was a principle of the English constitution that there should be no taxation without representation.

But in England all was different. The idea of a constitution superior to both parliament and king had vanished in the storms of the Puritan Revolution, and since 1689 very few Englishmen had questioned the real sovereignty of Parliament. The old distinction between the realm and the dominions had tended to disappear at the same time, and William and Mary had sworn to "govern the people of this Kingdom of Great Britain and the dominions thereunto belonging according to the Statutes in Parliament agreed on, and the respective laws and customs of the same."

This authoritative acknowledgment of the supremacy of Parliament was unquestionably a forward step in the development of free political institutions for the ancient realm. But representation in Parliament was then and for many years later the result of a jumble of local customs and ancient rights. Bristol was represented while Manchester was not. Places without a single inhabitant still returned members of Parliament. Many seats in the House of Commons were the property of great landlords who either sold them or gave them to those whom they could control. It is estimated that a majority of the House was selected by fifteen thousand Englishmen. But even with all these elements of injustice and inequality, the dominant economic classes of Great Britain were represented in Parliament and had a voice in the determination of policy. The same was true to a less extent of the sugar planters of the West Indies who spent much of their time in England and who always controlled their share of seats. Taxation with representation had come to mean taxation by a Parliament in which every section of a great economic

and social aristocracy had a distinct though not an equal influence. A few voices were even then raised in favor of a reform of the representative system, but these were few and weak.

The supremacy of such a Parliament over the realm and the dominions "thereunto appertaining," so eminently satisfactory to the landowner and the great merchant, could evidently not satisfy the local ambitions of those dominions, even when sugar coated by a theory of "virtual representation!" It was no small part of the unexpressed but real grievance of the colonist, that the average Englishman had learned as Franklin said, "to crawl up into the throne with the King, and to speak of our colonists," at the very time when the colonies were coming more and more to regard themselves as subordinate but autonomous parts of a common empire which they had had no small share in building.

In the most important of the dominions, the Kingdom of Ireland, the results of the Revolution of 1689 had not been easily accepted, and the constitutional question had received eloquent and exact expression. Irish patriots claimed that Ireland was a separate kingdom, owing allegiance to the Crown of England, but not subject to the laws made in Parliament. Parliament cut the gordian knot by passing a Declaratory Act in 1719 which maintained their full supremacy and which was afterwards substantially copied and applied to the American colonies: "that the King's Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons of Great Britain in Parliament assembled, had, hath and of Right ought to have full Power and Authority to make Laws and Statutes of sufficient Force and Validity, to bind the Kingdom and People of Ireland."

The issue between the colonist and England had never come to so sharp a head, and therefore the position of America still awaited formulation, but the failure of Ireland to win coveted autonomy could not prove reassuring to those who found themselves in almost precisely the same constitutional relation. In the absence of legislation which affected adversely their deepest social and economic interests, the Americans, as became a practical people, were willing to overlook the niceties of legal theory, and to harbor at once their loyalty to their colony and their loyalty to a King, who was now speaking almost exclusively with the voice of Parliament. The colonists were thus led to accept some acts of Parliament, especially the act establishing a common colonial Post Office, which became dangerous and embarrassing precedents when they were trying to maintain the right to direct their own internal affairs through their own assemblies to the exclusion of Parliament, and when their greatest political writer, John Dickinson of Pennsylvania, was seeking to distinguish their situation from that of conquered Ireland.

As long as the contest remained constitutional, and before it became revolutionary, it was fundamentally a debate to decide between two theories of the British constitution, according to one of which the colonist was governed by the independent authority of his own assembly, and by the other of which the supreme and sovereign authority not only in the realm but in the empire was the King in Parliament. At the beginning of the quarrel every thoughtful American was at once a loyalist and a patriot, unwilling to state too broadly the full claims of either. It was only very gradually that men like John Dickinson and George Washington and Joseph Galloway and Benjamin Franklin chose between alternatives which events had made

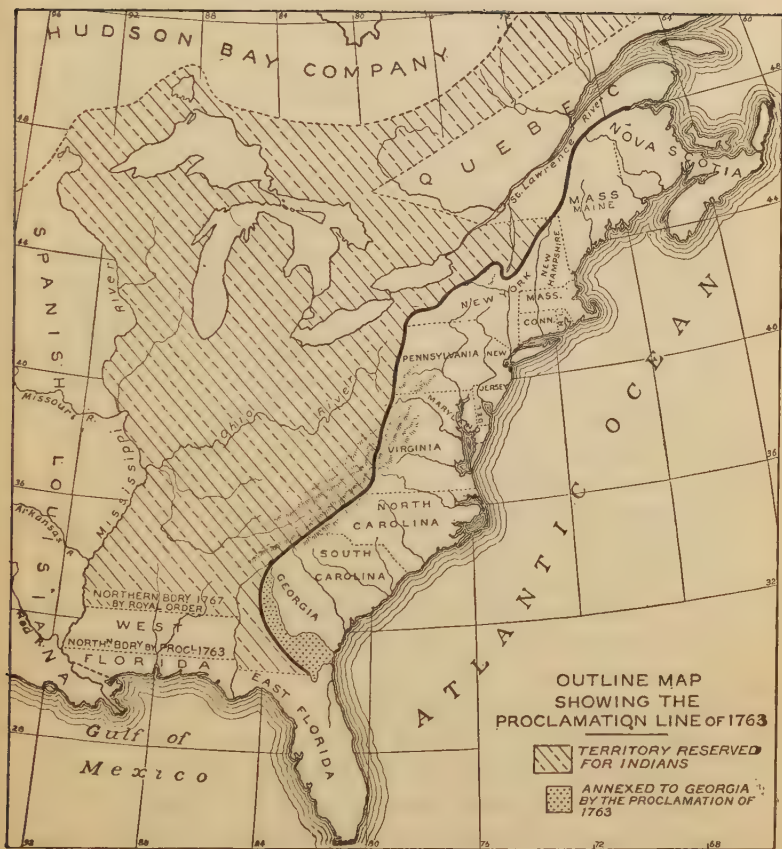
irreconcilable and that the American people became divided into two definitely antagonistic groups, hating each other with the bitter animosity which always characterizes a great civil war. And that first struggle was not between two groups, but within the breasts of individual men who would have preferred to be both loyalists and patriots if it had become possible.

Different men naturally made the choice, one way or the other, with different degrees of ease and rapidity. There was scarcely a voice raised in America in defence of the Stamp Act. But in the struggle to secure its repeal Hutchinson and Oliver had become loyalists and Samuel Adams was already speaking in terms of a national autonomy which was very close to independence. Others made the final choice much later and with greater suffering of spirit. Only by understanding the constant presence of two antagonistic feelings, can we comprehend at all the attitude of individuals or the slow and halting steps by which America was at length and slowly led to independence. In the psychology of the situation lay the full dramatic significance of a quarrel, which was expressed outwardly in the dry and repelling terms of legal disputation. It was no accident that almost as soon as Americans were ready to state their full constitutional position and to claim their full legal rights as Englishmen as they understood them, they were almost ready to cease speaking as Englishmen forever, appealing to the world in more ringing and revolutionary words, in terms of the rights of man. The logical inconsistency of the American positions at different stages of the quarrel was the natural result of an effort, long continued, to reconcile two positions which could not be accommodated.

The whole situation already sufficiently complex, was still further complicated by social and economic dif-

ferences in the colonies. These could be divided in 1763 into two great groups with very different interests, the commercial colonies of the North whose interests centered in the great ports of Boston, Philadelphia and New York, and the plantation colonies from Maryland to Georgia. In the northern group the leading families were made up of wealthy merchants, who ordinarily took small part in politics, but who had the keenest eye to measures which affected their welfare. In the South were the great planters of tobacco, of rice, and of indigo, accustomed to dominate the assemblies and unwilling to give up any part of their political authority. The artificial prosperity of the war, when the presence of soldiers had made money abundant and trade good, was now passing into inevitable depression. The northern merchant was finding it difficult to sell his wares, and the sailors, the mechanics, the small tradesmen were caught in the net of that depression. The planter had debts to Scotch and English merchants which had grown from generation to generation until he had found it necessary to sell land or slaves to keep his head above water. To the west of all the colonies lived the small farmers in the foothills of the mountains, eager for greater economic and political opportunity, usually under-represented in the assemblies, and ready to fish in troubled waters to compel the adoption of more radical and democratic measures. It would have taken no very keen prophet to foresee that if trouble came the poorer classes would compel changes in a democratic direction which were not desired by the Livingstons or the Browns.

All these groups, whom a statesman of ordinary prudence would have separated, George Grenville managed to unite in definite opposition within two years of the signing of the treaty which had seemed so full of



A Map Showing the Proclamation Line of 1763

hope. Coming rather suddenly and unexpectedly to power, he was called upon to solve the most difficult of all the questions of practical politics, a question which cannot even now be said to be definitely answered for the British Empire. To the task he brought industry, capacity for detail, and the deep-seated prejudices of his class, unilluminated by the slightest ray of imagination, a dry, precise personality, standing all unconsciously at the threshold of a new era. His first step was to accept a measure which had been planned in the previous administration organizing three new royal colonies in Quebec, in East Florida, and in West Florida, and closing the newly acquired West to settlement by the proclamation of 1763. The Indians of this vast domain were no longer to be subjected to the tender mercies of colonial groups, each bent on founding new colonies beyond the mountains, but were placed under two imperial officers, one for the northern district and one for the South. The traders, who had robbed and cheated the Indians without let or hindrance, were now required to secure permits and to trade subject to the control of the Superintendents of Indian affairs. The whole measure was probably intended to be temporary, settlements to be allowed again when the lands could be duly bought from the Indians and when they could be properly policed, but it seemed to many a western colonist a blow directed at his dearest interests. It was justified in the very summer in which it was formulated by the outbreak of the great Indian revolt led by Pontiac which carried the horrors of savage warfare to every hamlet in the West.

It was an essential article of the creed of the governing classes in England that their colonists were an un-military people, essentially cowardly and unable to protect themselves against such dangers. The prize

which had been won from France with so great cost was not to be endangered again, and Grenville determined to maintain an army of about ten thousand regular soldiers in America, to be quartered and supplied with some of the most essential provisions in the colonies in which they were stationed. Such an army could be used against the Indians if necessary, and in the meantime they might well strengthen the hands of royal executives, whose position was made almost unbearable by the factious opposition of the assemblies.

Such a western policy would require funds, which the British taxpayer was certainly in no mood to supply. Grenville might indeed have turned to the immense wastes which existed in British administration, compelling favored office holders to give up some of the sinecures which they made a source of revenue at the public expense. But he well knew that this was not practical politics, for as soon as he required an exact accounting from the paymaster of the forces and his friends, his own majority would vanish in the fierce heat of anger from those who would lose positions which they had come to regard as a species of private property.¹

Being an essentially practical man, "the ablest man in the House of Commons," as he was called, he determined to boldly face dangers which lay somewhat farther from home. The customs service in America had been woefully neglected, bringing in an annual revenue of two thousand pounds at an expense of eight thousand. Having a natural gift for figures, Grenville was readily able to calculate the loss. He determined to put an end to smuggling, which was indeed one of the most lucrative of colonial occupations. To this end he required the reluctant collectors, who had lived in great comfort in London, while their duties were neglected by deputies,

¹See Becker, *The Eve of the Revolution*, Chapter II.

to repair to their posts in Philadelphia or New York. He extended the administration of admiralty courts, placing the burden of proof on the vessels seized rather than on the prosecution. He exempted his collectors from suits for damages when they had made seizures on probable cause. To make the position of the British merchant more tolerable he extended to the southern colonies as well as to New England the law which prohibited the issue of legal tender paper money. All admirable measures in themselves, but not likely to win the favor of the northern smuggler or of the southern debtor!

The importation of molasses from the West Indies, was as we have already seen, the most essential branch of New England commerce, being the basis for the distillation of rum, which had an enormous consumption in the colonies and also served as the medium of exchange with the Indians and with the coast of Africa. Only a very small part of the necessary molasses could be secured in the English islands. The rest was frankly smuggled from the French and Spanish islands in spite of the prohibitive duty of six pence a gallon. Grenville determined to cut this duty in half, and to see that it was collected. Heavy duties were also laid on various other things, particularly wines and other articles of luxury. By these measures Grenville not only proposed to raise a revenue, but also to protect the languishing interests of the powerful English sugar islands against unfair foreign competition. But this whole series of measures made trade with the West Indies difficult. Without molasses and rum, the colonist had no source of money. Without money he could neither pay his debts, nor buy the English goods which greatly exceeded in value anything which he had to sell to England. To make matters worse, he now had neither specie

nor paper to serve as a circulating medium. Trade languished, times hard enough after the war were harder still, ships lay rotting at the wharves, merchants could not sell the wares with which they were overstocked, planters could not pay even their current debts, mechanics and sailors wandered about hunting for work, raw material for noisy mobs. So delicate is the mechanism of a commercial system, even when based on the wholesale disregard of ancient laws!

But Grenville was thorough and his work was not yet done. In introducing his first budget which included the Molasses Act, the revenues of which were to be used from time to time under the direction of Parliament "towards defraying the necessary expenses of defending, protecting, and securing the British colonies and plantations in America," the Prime Minister also suggested the possibility of charging certain stamp duties "in the said colonies and plantations." Of all the plans for the taxation of America, this seemed to him the most easily enforced, but he was not wedded to it, and gave early notice, so that the colonists might have an opportunity to suggest other taxes which they preferred. If any member of the House entertained any doubts as to the right of Parliament to lay direct or indirect taxes on the colonies he was invited to speak out. But no one saw fit to accept this challenge, except Alderman Beckford who remarked mildly: "As we are stout, I hope we shall be merciful."

Grenville knew perfectly well that in proposing to levy a direct tax in America for any purpose he was departing from the cautious policy of his predecessors. A stamp act had been suggested to both Walpole and Pitt and each had refused to burn his fingers with it. But times had changed and the necessity seemed very great. When the colonial agents came to him to protest

against the new policy, he explained to them how reasonable and fair the tax would be, and asked them again whether they had any alternative plan to suggest which would yield an equal revenue. Franklin suggested the old and well established system of requisitions on the various colonies, but was considerably nonplussed when Grenville asked him whether they could agree on the amounts which they were willing to contribute. Having found no adequate alternative, the cautious Grenville introduced a bill which levied taxes on all legal documents in the colonies, on newspapers, on advertisements, thus tending to combine in common opposition the colonial lawyer, the printer, and the merchant. The bill received the Royal assent in March of 1765. The measure was to be softened by nominating Americans as tax collectors, and some like Richard Henry Lee, who accepted appointment before they understood the full weight of the opposition, had grave difficulty later on in explaining their position.

When the bill was before the House, few men in England, either English or American, could have foreseen the storm which would ensue. In the midst of a languid debate Charles Townshend asked, "These children of our planting, nourished by our indulgence until they are grown to a good degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy load of national expense which we lie under?" Which having said and sat down, Colonel Barré, a veteran of the French and Indian wars, arose and showed that he understood the fundamental difference between the American and the current English interpretations of the past. With eyes darting fire and with an outstretched arm, he aroused the sleepy house as he exclaimed: "Children planted by your care? No! Your oppression

planted them in America. . . . They nourished up by your indulgence? They grew up by your neglect of them. . . . They protected by your arms? They have nobly taken up arms in your defence . . . !” It was no wonder that two interpretations of the same past led to growing misunderstanding and to measures which at length could only be reconciled by the sharp arbitrament of the sword. But all this was not evident at the time, and the shrewd Horace Walpole confided to his diary, “Nothing of note in Parliament, except one slight day on the American taxes.”

To the Americans, three thousand miles across the sea, the issue was much more important. Bad news flies quickly, and the ship which carried confirmation of their worst fears reached an American port in May, 1765. The moment was most unfortunate. The business depression, which had followed the war had grown until it had reached the dimensions of a panic. By his cautious warning, Grenville had allowed opposition one full year to crystallize, and for the last time sentiment in America was united in hostility to the Stamp Act. Even Hutchinson, who afterwards became the leader of the loyalists, wrote one of the strongest protests against it. All classes saw, however dimly, that it was not merely a question of taxation without representation. A parliament which could levy a direct tax on the people of the colonies could soon become entirely independent of local assemblies. From the beginning the struggle was at once practical and constitutional, although the full constitutional statement was worked out slowly and took years to mature. The old debates between the assemblies and the colonial governors was transferred to a far deeper and more significant contest between the colonies and the sovereign authority of Parliament.

Americans were not moved by the story of heavy taxes in England. They were rather frightened at the possibility of becoming another Ireland or another India. A colonial orator expressed the universal fear, when he exclaimed: "How would you like to pay four shillings a year, out of every pound your farms are worth to be squandered, at least a great part of it, upon ministerial tools and court sycophants? What would you think of giving a tenth part of the yearly products of your lands to the clergy? Would you not think it very hard to pay ten shillings sterling per annum, for every wheel of your wagons and other carriages; a shilling or two for every pane of glass in your houses; and two or three shillings for every one of your hearths? I might mention taxes upon your mares, cows, and many other things; but those I have already mentioned are sufficient. . . . Perhaps, before long, your tables, and chairs, and platters, and dishes, and knives, and forks, and everything else, would be taxed. Nay, I don't know but they would find means to tax you for every child you got, and for every kiss your daughters receive from their sweethearts; and God knows, that would soon ruin you." An argument, perhaps not quite fair, but undoubtedly effective!

The opposition to the Stamp Act took three forms. The lawyers and politicians wrote resolutions of solemn protest and finally succeeded in bringing nine of the colonies together in a Congress at New York in October of 1765. The merchants united in associations which agreed not to import goods from England, and the common people either refused to consume such goods, or united into mobs which compelled the stamp distributors to resign, burned the stamps when they were landed from the vessels, and even attacked and gutted the houses of those who had aroused their anger.

Measures like these soon frightened the more conservative portions of the community, and men like Joseph Galloway, a great lawyer of Philadelphia, began to fear that they had unwittingly aroused a spirit among the submerged portions of the people, which they might find it difficult to allay. From this time we see the beginnings of a distinct party which later became the nucleus of the loyalists or the Tories. As Professor Becker has well said, from this time on the Revolution was a contest, "not only to determine who should rule America, but also who should rule in America." In its increasing reaction against the conservative institutions of the old colonial period, it was a distinct movement in a democratic direction, leading to a wider suffrage, a more popular system of representation, and a more general distribution of land. And it was precisely this which thoughtful opponents of the Stamp Act, men like Hutchinson, Duane, and Galloway, began to realize and to fear. No small part at once of the significance and the intensity of the struggle was due to the fact that it came to be a contest for supremacy between two important sections of the American people.

The Stamp Act was from the beginning a dead letter, a statute which no one had any power to enforce. For a short time courts were closed, newspapers suspended publication, and ships were delayed by not being allowed to secure proper papers, but as soon as every one realized the weakness of the imperial government, life went on much as before, with no effort to sell or use the obnoxious stamps. Patrick Henry introduced resolutions into the Virginia Assembly, which were greatly modified before final adoption, but that were circulated in the newspapers without amendment and greatly aided in uniting opposition. They were undoubtedly somewhat ahead of their time in their radical statement of

the final constitutional position. Virginia resolved, "that his Majesty's liege people of this his ancient colony have enjoyed the right of being governed by their own assembly in the article of taxes and internal police . . . and that they are not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws and ordinances of the General Assembly." Any person who asserted that Virginia could be taxed by any other human authority was declared an enemy to the colony.

These were ringing words. The delegates of the nine colonies who met in October in New York were largely representatives of the more cautious and conservative elements, and they contented themselves with a respectful series of resolutions, not entirely consistent with the more fiery Virginia Resolves of the previous spring. Indeed they started by acknowledging almost too much, saying, "that his Majesty's liege subjects in these colonies owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm, and all due subordination to that august body the Parliament of Great Britain." With this tactful introduction the Congress went on to claim the familiar privilege of no taxation without the consent of their own representatives. The colonies were not, in their view, represented in parliament, and from their circumstances could not be. It was evidently impossible to settle the controversy by accepting the suggestion of Adam Smith, and granting to the Americans a minority representation in Parliament. In spite of the well known phrase, no American seriously desired representation. What he wanted was no taxation by a power which was already to some extent foreign. Nor did they distinguish sharply between external and

internal taxation. They objected to all taxation. The distinction between internal and external taxes, or what we would now call direct and indirect taxes, appears if at all only vaguely in the petition of the Stamp Act Congress, and is entirely absent from the Virginia Resolutions. It was the means by which that great friend of the colonies, William Pitt, attempted to reconcile his own view of the supremacy of Parliament, with his instinctive desire to allay colonial dissatisfaction. As the event showed, the distinction between internal and external taxation was not one that went to the real root of the difficulty and it did not present a possible solution, any more than the entirely academic suggestion that the Americans should be represented in Parliament. There was real truth in the jibe of the Irish member who exclaimed, "What a pothor whether money is to be taken out of their coat pocket or out of their waistcoat pocket!" And the Virginia Resolves show that from the very beginning, the radical American would have agreed, and exclaimed, "What a pothor, indeed!" But the Stamp Act Congress still represented the unquenched loyalty of many an American who soon would have to make the great decision, and concluded with a loyal and dutiful address "to the best of sovereigns."

It is not likely that either riots or loyal and dutiful addresses had much to do with the result. But the agreements of the colonists not to import English goods was beginning to take English money out of both the coat and the waistcoat pocket. The depression in the colonies extended to England. One member of Parliament wrote to the Prime Minister, "Our trade is hurt; what the devil have you been doing? For our part, we don't pretend to understand your politics and American matters, but our trade is hurt: pray remedy it, and a plague on you if you won't."

In the kaleidoscopic changes of British politics Grenville had passed from power, and the old Whigs under Rockingham were entrusted with finding a way out of the dilemma. The ministry was weak. As members of the opposition they had criticized freely the policy of Grenville. They were now compelled to satisfy the commercial discontent, without sacrificing too greatly the strong sentiment for the imperial sovereignty of Parliament. The result was a discussion of the whole American problem, which soon developed into a really great parliamentary debate, the most notable in the period which we are discussing. As a preliminary to the proposed repeal of the obnoxious Stamp Act, Benjamin Franklin, agent for a number of the colonies, the most representative American of his day, sufficiently popular to hold the office of Post Master for America, and even considered for an office in the ministry, was called before the bar of the House, and questioned as to the great issues involved. It was perhaps the only time when an American virtually participated in the consideration of an American policy in the House of Commons. The questions had been prepared beforehand and the answers were equally well considered. It was a moment not without dramatic quality, when the already celebrated scientist and printer of Philadelphia, spoke with his usual tact and skill at once in the interests of American liberty and of imperial unity. For Franklin was yet conservative and loyal, able to see eye to eye with his son, who later became a leader of the loyalists. The accumulated experience and shrewdness of sixty years added weight to his replies. Having pointed out the need which America had for ready money to pay for English manufactures, he spoke to the interests of the commercial members, when he said that the recent measures would take away the chief means which made the col-

onies useful to the mother country. The Americans who had been loyal, obedient, and easily governed were now estranged, and could not be required to acquiesce in taxation except by force of arms. They would be compelled to turn to manufacturing, in direct competition with the mother country. All this with no air of threatening, but in such a way as to win favor for repeal.

In the great debate which followed, one of the chief speakers was Lord Mansfield, the ablest lawyer of his day, who maintained the full legal supremacy of Parliament, on the ground that in every state there must be some clear and definite center of sovereignty. He was answered by Camden, almost equally celebrated, who insisted on the reality of the distinction between the realm of England over which the authority of the King in Parliament was unquestioned, and her dominions, which were subject only to the King and to their own assemblies. Pitt returned to London to take part in the debate. He could not go so far as Camden in England, or as Patrick Henry in America, for he believed in the imperial power of Parliament. He seized on the distinction between internal and external taxes, and denounced the Stamp Act on this narrower ground, which had not been greatly emphasized in America, and which the event showed did not go to the root of the difficulty. He moved his audience by a flash of his old eloquence, all the more perhaps, because no one saw as clearly as Mansfield or Camden, the logical insufficiency of his position. "I maintain, that the Parliament has a right to bind, to restrain America. Our legislative power over the colonies is sovereign and supreme." So far the great liberal imperialist was speaking the language of Grenville and of Mansfield. But he was not a lawyer, but a statesman, who realized that logic must sometimes yield to facts, and from his major premise he

drew a surprising conclusion: "Upon the whole, I will beg leave to tell the House, what is really my opinion. It is that the Stamp Act be repealed absolutely, totally, and immediately. That the reason for the repeal be assigned, because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised and be made to extend to every point of legislation whatsoever. That we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent." It is evident that even Pitt was very far from understanding the American position, or from suggesting the solution which was finally reached in the next century for Canada, Australia, and the other self-governing dominions. It was no wonder that Grenville solemnly warned Parliament that repeal was weakness, which would encourage the Americans to a broader statement of their constitutional position, and to further resistance. Both sides might well have pondered the ancient maxim of the Chinese sage, "If you bow at all, bow low."

In repealing the Stamp Act, the Whigs certainly had no intention of bowing any lower than was consistent with the dignity of practical politics. The duties on wines were retained, the molasses duty was lowered, but extended to all molasses and sugar, both British and foreign, making it clearly a revenue measure, entirely inconsistent with the protective intent of the Navigation Acts. Above all repeal was accompanied by a Declaratory Act, in which Parliament maintained its full legal right to bind the colonies in all cases whatsoever. Not the least ominous part of this measure was the fact that it was copied word for word from the similar act which had been applied to Ireland half a century earlier,

and that it assimilated the position of America to that of the neighboring island.

But the Americans were not for the moment interested in the theory of the situation. By the aid of Pitt, of Camden, and of Burke, they had won a great practical victory. There can be no doubt of the sincerity of their rejoicing. Franklin had interpreted them aright when he said that they were loyal. Many a great merchant and a planter, who had watched with growing anxiety the loosening of old bonds and the decay of old sanctions, drew a deep sigh of relief when he found that he did not have to choose between the loyalist and the patriot in his own bosom. At least, not yet! For the more thoughtful might agree with Grenville, that the America which forgot the riots and rejoiced over the repeal was not quite the same America which had heard with a thrill the great tale of the capture of Quebec. In the meantime, even John Hancock and Samuel Adams hastened to express their loyalty. More than one statue was erected in the colonies to Pitt and even to the King. It would have taken a cynic to have pointed out at such a moment that some of these were made of lead!

CHAPTER VI

THE RISING QUARREL (1767-1774)

THE incidents which we have recounted in the last chapter have a unity of their own, belonging to a period when the situation might possibly have been controlled by very great wisdom. Very soon matters commenced to take a new turn, and for the first time independence began to be considered as a serious possibility. It is a curious fact that separation was first mentioned, not by Americans, but by those who had been defeated in the controversy over the Stamp Act. It was natural for the more extreme Tory to be imbued with the conviction that the Americans had from the beginning wanted nothing less than independence, and that this could not be prevented except by a policy of iron, and perhaps of blood. Charged with desiring independence, the radical American became at least familiar with an idea which most men thought utterly preposterous in 1763. The first denials came in the year after the repeal. Having denied it, it was a much shorter step to advocating it. There can be little doubt that after 1768 Samuel Adams, a popular leader in Massachusetts, began to desire no other solution, and that he applied to the achievement of it his unrivalled capacity for political propaganda. The files of the radical *Boston Gazette* in 1768 contained for the first time in America articles which openly advocated separation from the mother country. The story of the years which follow is essen-

tially an account of the surprising incidents by which this desire became sufficiently general to produce the final crisis.

There is nothing so dangerous in politics as a favor granted and then withdrawn. When the Stamp Act was repealed, the loyalty was not mere rhetoric. The rejoicing was deep and sincere. But the repeal had created expectations which were not, and perhaps could not be, fulfilled. The reaction was sure to be dangerous, and perhaps disastrous. It is the story of this reaction which gives unity to the years from 1767 to 1774. In those years every American was placed definitely between two alternatives, which in the beginning had probably seemed even to Samuel Adams equally undesirable. Samuel Adams made his choice lightly in 1768, for he was by nature a democrat and a radical. John Dickinson made his only with much suffering of spirit by taking up his musket as a common soldier, after he had tried in every way to find some other solution consistent with what he believed to be the rights of America. And these two are perhaps the most memorable figures of the period on a great stage. If the result had been different it is curious to think that it might well have been Joseph Galloway, the loyalist, whom we should now remember. So later events control the meanings of men's lives!

No one had expected the ministry of Rockingham to endure, least of all the ministers themselves. They had taken part in a great controversy, without really solving it, and they could not hope to hold office any longer than the divisions of their opponents permitted. But every one was surprised to learn that the "Great Commoner" had made a truce with the King's friends and had consented to become responsible for a ministry dominated by them, which was placed under the nom-

inal leadership of the Duke of Grafton, and in which Pitt had no sure supporter save the Earl of Shelburne. William Pitt became the Earl of Chatham, and gathered around himself a heterogeneous group, which at first under him, then under Charles Townshend, at length, with many changes, under Lord North, and almost from the very beginning really dominated by the King, controlled the destinies of England until the momentous day when the news of Yorktown wrung from the loyal North the agonized cry, "My God, it is finished!"

Chatham selected for the important post of Chancellor of the Exchequer in his new ministry a young man who held one of the extremely lucrative sinecures for which at that time the British administration was justly famous. It was with great and natural reluctance that he resigned one office which paid well for another of so much greater responsibility, and so much smaller financial return. Townshend is today remembered for two things. He had with characteristic prudence married a wealthy lady of the nobility, and in finding a tutor for his stepson, he became the patron of a Scotch professor, who was thus given the leisure and the means to write the *Wealth of Nations*. Adam Smith and the Townshend duties are thus the two enduring and unequal monuments to the fame of Charles Townshend, for he died within the year, leaving others to weather a storm which he had helped to raise. By his contemporaries he was regarded as brilliant, though unstable, although the speeches which have come down to us show little of the brilliance and though his policy in American matters was singularly consistent. From the very moment when he entered public life as member of the Board of Trade, he had openly advocated such changes in the charters of the American colonies as should bring them more directly under the control of

the home government. He had voted for the repeal of the Stamp Act merely as a matter of policy, stating at the time his belief in the necessity for raising taxes in America. Ambitious, energetic, perhaps unscrupulous, he found in the illness and the continued absence of his chief from the floor of Parliament an opportunity to win to himself a personal following, an advantage which his early death made it impossible for him to capitalize. He enters but once upon the stage and then is silent. Among the accidents of history which play like waves upon the deeper tides of historical causes, the gout of Chatham is surely one of the most memorable.

Chatham had brought the Earl of Shelburne into the ministry for the special purpose of working out a wise and conciliatory policy as to America. The necessary funds to reduce the imperial debt were to be raised by taking over the lucrative monopoly of the East India Company. But Chatham had retired, and Shelburne found himself without the necessary support for a plan which naturally ran counter to many interests. No one was left with sufficient power to check the exuberant Townshend. In January of 1767, he surprised his colleagues by announcing that America should contribute to the maintenance of its own military establishment exactly as Ireland did. He regarded the distinction between internal and external taxes as the merest nonsense, but since others felt there was a difference he would accommodate them. On the strength of his optimism, the opposition managed to carry a bill which reduced the land tax from four shillings to three, and in May Townshend introduced the measure which he had planned. Customs duties were to be levied in America on paints, paper, lead, and tea, which were expected to raise at least forty thousand pounds a year. The money was to be used for paying the governors and

the judges who were thus to be made quite independent of the assemblies. The political issue which many had already seen in the question of taxation was thus made perfectly sharp and definite. Governor Hutchinson always believed that if the duties had been collected when the articles left England, Townshend's plan might have succeeded. But the duties were to be collected in America, and a special Board, with full authority over all such matters, was established in the city of Boston. Stringent regulations were adopted which would effectively prevent smuggling. Since the governors had the power to dissolve the assemblies at will, and possessed an absolute veto on legislation, the worst fears of the Americans had now come true.

In spite of the bitterness of the opposition in America, the situation was largely controlled by the conservative classes, especially the merchants who were injured by the new and the old duties, but who had no desire to witness again the excesses that had followed their alliance with the common people at the time of the Stamp Act. And leading citizens were looked to for advice and enjoyed a much greater prestige than attaches to similar men today. It was their intention to use no measures which were not proper, peaceful and constitutional. John Dickinson wrote from Philadelphia a series of letters which analyzed the meaning of the new measures, and pointed out their essential political danger. These "Farmer's Letters" were copied in most of the forty-odd journals which were then printed in the colonies, and helped to crystallize sentiment. But even as "The Pennsylvania Farmer" pointed out the injustice of these duties he appealed to caution and to loyalty: "We have an excellent prince, in whose good dispositions toward us we may confide. We have a generous, sensible, and humane nation, to which we may appeal.

They may be deceived; they may, by artful men, be provoked to anger against us; but I cannot believe they will be cruel or unjust; or that their anger will be implacable. Let us behave like dutiful children, who have received unmerited blows from a beloved parent. Let us complain to our parents; but let our complaints speak at the same time, the language of affection and veneration."

In the meantime the merchants of the seaports and the great planters of the South turned again to the weapon which had succeeded so well before, and entered into associations in which they agreed not to import any of the dutied articles, and to restrict greatly their use of all English goods. Special measures were taken to reduce the extravagant expenses which characterized funerals, and Christopher Gadsden, the leader of the South Carolina radicals, manifested something of the stern courage which sometimes shows itself in little things more clearly than in great, when he appeared at his wife's funeral in a suit of blue homespun. Men who had never been seen without the knee breeches, the silk stockings, and the buckled shoes characteristic of their class, now began to wear the long trousers of the workingman. Societies were generally founded to encourage home manufactures, and some of the small factories which were created to meet the emergency survived the later change of policy. Imports from England were reduced to about one third of their former dimensions.

But American opinion was not united as it had been against the more obvious though less dangerous policy of Grenville. There were those who were cynical enough to say that the merchants were ready to stop importation because they had found themselves overstocked with goods which they hoped to sell to the consumer at monopoly prices. In some colonies there were even

merchants who continued to import English goods, in spite of the threat that they would be treated as enemies of American liberty, and boycotted by their neighbors. As time went on without redress, the voluntary associations became more and more difficult to enforce, until practically all the members were weary of the long self-denial which seemed more burdensome than the payment of the obnoxious duties. It is always much easier to arouse a large group of people to some sudden and dramatic action, than to hold them to a patient course of passive resistance. In this case, the situation was peculiarly discouraging, for unexpected events in Europe opened new markets to the British merchants, which reconciled them to the loss of their American customers. They could not be induced to bring pressure on their representatives such as had brought victory to the Americans in their first great struggle for commercial reform. In the meantime, in England, Lord North had become the head of the ministry which was now frankly composed of the King's friends and was entirely dominated by the King himself. Not because of any pressure from America, but because he did not think it wise to have duties on British manufactures, Lord North moved the repeal of the duties on paper, paint, and lead, retaining only the duty on tea, in order not to yield the principle at issue. Again a British minister had missed a supreme opportunity to bow low!

It was a curious coincidence that the motion for the repeal of the Townshend duties had been made on the fifth of March of 1770, a date which was long remembered in the colonies for a very different reason, a reason which helped to prevent any return to the loyal rejoicings which had marked the repeal of the Stamp Act, and which added fuel to a sentiment which already existed in some few quarters in favor of independence.

The attempt of the conservative classes to limit the discussion to the careful phrases of John Dickinson, and the pressure to a peaceful policy of non-importation, had not been entirely successful. Early in 1768, the House of Representatives of Massachusetts sent a circular letter to the other assemblies, suggesting common measures to secure redress of grievances. They believed that enemies of the colonies were representing them to the ministry as factious, disloyal, and having a disposition to make themselves independent of the mother country, a charge which they vehemently denied. That the authors of this letter were correct in their fears, was proved when the letters of Hutchinson were published five years later. But the immediate source of their anxiety seems to have been the fact that independence was actually, and for the first time, a subject of serious consideration. In spite of the fact that the circular letter acknowledged "his Majesty's high court of Parliament as the supreme legislative power over the whole Empire," this acknowledgment was greatly qualified by an appeal to a constitution which was superior to Parliament, and above all, and for the first time in an important public document, to natural rights which were superior to the constitution. They asserted "that it is an essential unalterable right in nature, engrafted into the British constitution, as a fundamental law . . . that what a man has honestly acquired is absolutely his own, which he may freely give, but which cannot be taken from him without his own consent." In no longer appealing to their charters, in suggesting the possibility of a law superior, not only to the decrees of the King and the enactments of Parliament, but even to the British Constitution, the circular letter went far beyond previous statements of the colonial position, and clearly foreshadowed the day when the appeals for the redress

of grievances under a constitution should become revolutionary against that constitution itself.

There can be no doubt that the home government understood the full significance of the Massachusetts circular letter of 1768, and saw in its phrases a definite challenge to a stronger course of action. They had suspended the Assembly of New York the year before for refusing to obey the Act of Parliament that required them to furnish supplies to the royal troops, and that colony had yielded to the pressure. The Colonial Secretary now ordered the Massachusetts House to rescind its revolutionary letter on pain of dissolution, and requested the other legislatures to treat it "with the contempt which it deserved." But Massachusetts, by a vote of ninety-two to seventeen, refused to rescind, and the ninety-two became heroes in the other colonies, the number being used as a symbol of liberty.

In the same year an incident in the port of Boston added further fuel to the passions of the hour. Since the reduction of the duties on molasses at the time of the repeal of the Stamp Act, the smuggling of molasses had become unprofitable, and the well organized and entirely respectable smugglers had turned to Madeira wine, which was used in great quantities by the wealthier people in the colonies. In these circumstances the sloop *Liberty*, belonging to a wealthy young merchant, John Hancock, arrived at Boston, carrying six pipes of good, saleable Madeira for the retailers, four pipes of the very best for his own table, and two pipes more of the very best for the Treasurer of the province. /When the agent of the custom house boarded the sloop to collect the seven pounds per ton which were required by law, he was invited to have a few drinks of punch with the captain, and was asked whether it would be all right to put a few casks on shore that evening. To the evident

surprise of everybody, he flatly refused to wink at such a step. The captain thereupon, having evidently exhausted the usual civilities, which were supposed to be sufficient on such occasions, had the collector shut up in the cabin for three hours. From his unwelcome seclusion, the unfortunate officer could hear the noise of many people at work, hoisting out the cargo. At the end of that time he was released without injury, and the next morning the sloop was duly entered, without any wine on board which required the payment of duty!

The outraged commissioners of the customs, who had so recently come to put an end to smuggling, immediately brought suit against John Hancock for the unpaid duties, and invoking the assistance of the navy, had the *Liberty* seized and placed under the guns of his Majesty's Ship of War, *Romney*. The *Romney* was already very unpopular among the rough sailors of the port, since its captain had been engaged in impressing seamen for the navy from the ships which sailed into the harbor. A mob gathered, broke the windows of the custom house, and so seriously threatened the commissioners, that they fled for their lives, first to the *Romney* and then to Castle William. Two regiments of troops were immediately sent to Boston, to protect the royal officers in the exercise of their functions, and a definite policy of coercion had begun. Lord North said in Parliament, "that however prudence or policy may hereafter induce us to repeal the late paper and glass act, I hope we shall never think of it until we see America prostrate at our feet." In spite of these brave words he decided to move a partial repeal on the fateful fifth of March of seventeen seventy, evidently some years before America was "prostrate at his feet."

The presence of troops in Boston was followed by the sending of similar, though smaller garrisons to other

American ports, and for the first time in colonial history smuggling had become a dangerous and relatively unprofitable occupation. The presence of the soldiers was naturally resented in communities which had come to regard themselves as essentially self-governing, and the soldiers undoubtedly had to endure provocations from crowds of sailors and mechanics, who pelted them with epithets and sometimes with more solid missiles. A squad guarding the custom house fired on such a crowd, killing five and wounding eight citizens of Boston, on that same fifth of March of seventeen seventy. It was the first bloodshed of the Revolution, and like the circular letter of 1768, marked a turning point in the relations of the colonies to the mother country. Every year thereafter the fifth of March was celebrated as a patriotic holiday, until it was in turn replaced by the fourth of July. Its results were out of all proportion to its seeming importance. At the very moment when the policy of the ministry had seemed most likely to succeed, when the merchants were already visibly wearied by the long continued losses of non-importation, it was the misfortune of Lorth North, not only to yield all the solid advantages of Townshend's policy, but to yield at a moment and in a way which brought no gratitude and renewed no old familiar ties of loyalty or allegiance.

The three years which followed were a period of definite truce in the long contest. It was greatly to the credit of the town of Boston that the captain who was charged with the fateful order of March fifth and the soldiers under his command were given a fair trial, defended by two young lawyers, John Adams and Josiah Quincy, whose loyalty to the patriot cause was above suspicion, and the accused were acquitted, with the exception of two soldiers, who plead the ancient benefit

of clergy, and were lightly punished by branding in the hand. At a time of great popular excitement, the courage of the young advocates and the self-control of the jury won the favorable comment of many English men.

Times, which had been very hard since 1764, began to improve. In spite of the presence of commissioners of customs, ready to enforce the old navigation acts as well as the newer duties on tea, on wines, and on molasses, the merchants were becoming somewhat adjusted to the situation. The market for colonial goods was improving, and with it the profits of the merchant and the ship captain. A treaty had been signed with the northern Indians at Fort Stanwix which restricted their claims to the region north of the Ohio, and other treaties were made with the southern Indians which left the rich lands between the Ohio and the Tennessee open to the settlement of the adventurous pioneers. Mechanics, sailors, and tradesmen who had been out of work, now saw a distinct improvement in their situation. Even the staunch John Adams confided to his diary, on February 14, 1771, that he had "dined at Mr. Hancock's with the members, Warren, Church, Cooper, and Mr. Harrison, and spent the whole afternoon, and drank green tea, from Holland, I hope, but don't know."

To his cousin Samuel Adams, now intent on revolution, it was a time of deep discouragement. Even his young friend John Hancock, busy with his great commercial ventures, had grown cold to a cause which with Samuel Adams had become a religion. Adams devoted his energies to the organization of Committees of Correspondence in the towns of Massachusetts which should keep alive the spirit of resistance, and should be ready to act when the ministry made the false step, which Adams frankly and devoutly desired. For Samuel Adams

was a Puritan and an idealist, true to principles which he had pondered long. Having himself failed in business, he was unmoved by those economic forces which affect so strangely the acts of men who are made of commoner clay; he was one of those occasional figures in history who yield to no economic interpretation.

An incident occurred in the summer of seventeen seventy-two, two years and more after the repeal of the Townshend duties, which showed that imperial skies had brightened without clearing and that the temper of the people was still dangerous. Among the vessels of the navy which cruised in colonial waters and kept a sharp eye on possible smugglers, one of the most active and energetic was the little *Gaspée*, whose draft was small enough to allow it to thread the dangerous shoals of the Narragansett, and to blockade Providence and Newport. To the adventurous seamen of that deeply indented and ill-guarded coast, the *Gaspée* had become a name to dread. On the evening of June ninth, 1772, their opportunity came. The news spread along the water front of Portsmouth that the *Gaspée* lay aground some seven miles away, awaiting the high tide to float her off. A crowd was gathered by beat of drum, while eight long boats were prepared under the direction of one of the leading merchants of the port. In the kitchen of the chief taverns men were openly engaged in moulding bullets. When all was ready, the boats stole out and, with muffled oars, approached the bows of the sleeping schooner. The lieutenant in command hailed the approaching boats, firing his pistols in the air, and some one in the boats shot and wounded him. The *Gaspée* was boarded and captured before the sleepy sailors could be called from their quarters, and the whole crew was landed on an island, where the wounds of Lieutenant Dudingston were dressed by a surgeon who accom-

panied the boats, and the schooner was set on fire and destroyed, to the undoubted satisfaction of the people who watched the glare of the burning vessel.

Smuggling was common enough in the eighteenth century, even on the coasts of England. It was whispered that even members of Parliament derived personal revenue from wholesale disregard of the customs laws. But the burning of the *Gaspée* was an act of vandalism which could not be overlooked. Under orders of the ministry, a commission of high officials was appointed to make an inquiry, with orders to send the guilty back to England for trial, under the terms of an ancient statute; but though the commission held more than one session in Rhode Island, and examined many witnesses, they were unable to find any one who knew anything about the events of the ninth of June. There is no incident of the years before the Revolution which reveals more clearly the difficulties of governing without their own consent a people three thousand miles away. Instead of assisting the constituted authorities in protecting royal property and in enforcing the law, the assemblies of distant colonies seized on the order to take offenders to England for trial as a new grievance. The House of Burgesses of Virginia met in March, 1773, and appointed a committee of correspondence and inquiry, "whose business it shall be to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament, or proceedings of Administration, as may relate to or affect the British colonies in America, and to keep up and maintain a correspondence and communication with our sister colonies, respecting these important considerations." If any one had been arrested and sent to England for the affair of the *Gaspée* there can be little doubt that open hostilities would have come two years earlier than they did, and

that resistance would have been continental in its scope.

Incidents in themselves entirely trivial assume an increased importance when feelings are running high as they were in the summer of 1773. Such an incident was the publication of letters written by Thomas Hutchinson and his brother-in-law, Andrew Oliver, to friends in England at the time of the excitement over the *Liberty*, which we have already described. Hutchinson belonged to one of the oldest and most respected of New England families; his great-grandmother Ann had won celebrity by being expelled from Massachusetts, and had thus become one of the founders of the neighboring colony of Rhode Island. Hutchinson was a scholar of mature years, who had suffered from the mob at the time of the Stamp Act. He had held almost every position of importance in the colony, including that of chief justice, and shortly before the so-called Boston Massacre had been appointed to the governorship. He had opposed the wisdom of the Stamp Act, but was deeply loyal to the home government. As Governor, he had handled with considerable tact the ugly situation of March, 1770, withdrawing the troops to an island in the bay, where they had since become so unable to aid the authorities, that they were derisively called "Sam Adams' regiments."

Unfortunately for his prestige and influence in another emergency, he had written freely to friends in England regarding the situation in America, and probably had been influential in persuading the government to send the troops whose presence in Boston had terminated so disastrously on the fateful fifth of March of 1770. In one of the letters written in 1768, he had said, "I never think of the measures necessary for the peace and good order of the colonies without pain. There must

be an abridgment of what are called English liberties. . . . I doubt whether it is possible to project a system of government in which a colony 3000 miles distant from the parent state shall enjoy all the liberty of the parent state." This frank appeal for an abridgment of English liberties, was not likely to win favor for the author in the summer of 1773, nor for that matter in any other summer!

In some way which to this day we do not fully understand, this bundle of letters had been secured by an enemy of Hutchinson's, who did not hesitate to give them to Benjamin Franklin, on the understanding that they should not be published. The theft of the letters led to a duel between the brother of the original recipient, and the man whom he suspected of having taken them, though Franklin came forward and assumed the full responsibility for the letters. Being accustomed to having his most private letters intercepted and read by agents of government, it may be that Franklin was unable to see why letters which threw light on the attitude of the colonial Governor of Massachusetts, were not proper material for consideration in colonial circles. He sent them to the Speaker of the Massachusetts House of Representatives, with the request that they be not published. The Speaker felt impelled to read them to the House in executive session, and of course then it was only a matter of a short time until they had found their way into print. They were now quoted, sometimes in garbled and exaggerated form, in every tavern, and even in the pulpits of the colony. They produced a wave of excitement, without which it is impossible fully to understand the incidents which follow. Hutchinson defended himself, by pointing out that in the letters he had written, only what he had said quite openly on many occasions. But the patriots

had suspected even at the time of the Massachusetts circular letter that there was a plot against their liberties, conceived in secrecy, not by Englishmen but by men who had been nurtured in the colony and who ate its bread. All men remembered that soldiers had come, as if in answer to the sentiments of the letters. Public opinion held their present Governor responsible before God and man for the blood which had stained the streets of the peaceful town, and which was celebrated with a public address in the Old South Church every year on the fifth of March. From that time on the usefulness of Thomas Hutchinson, as Governor of His Majesty's Colony of Massachusetts Bay, was virtually at an end.

But the matter went still deeper. Benjamin Franklin, by his years, his experience, his social tact and prestige, his knowledge of America, and the confidence with which he was treated by leading English statesmen, without losing the good will of the most advanced radicals in America, was the one indispensable figure in a tangled situation, the last important human link between the rulers of England and the hearts of Americans. We have seen with what skill he won one of many diplomatic victories which marked his long life at the time of the repeal of the Stamp Act. Chatham had said of him on the floor of the House of Lords that "if he were first minister, he should not scruple to call publicly to his assistance a man whom all Europe held in high estimation for his knowledge and wisdom, and who was to be classed with Boyle and Newton as an honor, not to the English nation only, but to humanity."

To the end of his days Benjamin Franklin defended his conduct at the time of the disclosure of the Hutchinson letters. It was one of those occasions when the accepted private code of morality as to the treatment of private letters seems to run counter to considerations of

public duty, a difficult question, which may better be left to the writer on ethics than to the historian of events and of opinion. But to English society, there was no doubt that Franklin was little better than an unscrupulous spy, ready at any moment under the forms of suavity and tact, to stir up the passions of the hour. It went further and said that even the best American knew nothing of the fine requirements of honor. Before this time they had taken pride in Franklin as an Englishman, now they did not hesitate to call him an American.

A petition had arrived from Massachusetts for the removal of Hutchinson and Oliver, which was to be considered in a public session of the Privy Council. It was noised abroad that the Solicitor-General, Wedderburn, one of the great lawyers of his day, would appear in person in defence of the two colonial officers and would have something to say about the letters. Every one attended, and it was noticed that among other distinguished guests, Burke, and Priestly, and Jeremy Bentham stood at the bar. True to his word, the Solicitor-General devoted his address to bitter and witty personal attack. The Privy Councillors, who were supposed to decide the grave question at issue, were convulsed with laughter, and left the room throwing up their hats with unconcealed glee. It is recorded that two of the chief participants maintained their gravity, and were not carried away with the eloquence of the great lawyer. One was the Prime Minister of England, on whose shoulders rested the weight of heavy responsibilities. Lord North alone among the members of the Privy Council listened with a troubled gravity. The other was the printer from Philadelphia. A friend has left the record that Franklin "stood conspicuously erect, without the smallest movement of any part of his body.

The muscles of his face had been previously composed, so as to afford a tranquil expression of countenance, and he did not suffer the slightest alteration of it to appear during the continuance of the speech." It is said that he wore a full dress suit of spotted Manchester velvet which he did not don again until the great occasion when he affixed his signature as the representative of the United States of America to a treaty of alliance with France, on the sixth of February, 1778. Charles James Fox, in a later day, ascribed with natural exaggeration, the loss of the American colonies to the brilliance of Wedderburn's invective. America had been publicly insulted in the person of the one man whom colonists regarded at that time, not as a Pennsylvanian, but with peculiar pride, as an American.

The day after the attack in the Privy Council, Franklin was summarily dismissed from his office as Postmaster General for the Colonies, a post which he had filled with conspicuous ability. But it is only fair to him to remember that he remained in England until the outbreak of hostilities, working constantly in the interests of a policy of conciliation which had now become almost impossible.

In the meantime the ministry of Lord North had duly considered a measure which ten years before might have been passed over almost unnoticed, but which now proved to be of major importance. Among the taxes which had remained after the repeal of the ill-fated Townshend duties, it will be remembered there was a tax on tea, which paid duty in England, and also a comparatively small duty of three pence in America. This tax had been intended to have the same effect as the Declaratory Act passed at the time of the repeal of the Stamp Act. The great East India Company was at this time not only the largest business concern in the

Empire, if not in the world, but it was also virtually a department of government, entrusted with the control of what was already proving the wealthiest possession in the British Empire. By the terms of the agreement with the Company, the latter paid a large revenue into the depleted Treasury in return for its exclusive right to deal in and to import into England the tea and the other greatly desired products of the East. The tea was bought in England by ordinary merchants who then exported it to America, where it had to pay the three penny duty and to compete with the smuggled article from Holland.

The East India Company was at this time in dire financial straits, and suggested that it be allowed to export tea on its own account to America, duty free, thus making it possible for it to undersell the smuggled article and dispose at some profit of the huge surplus which it had accumulated. The King was unwilling to repeal the three penny duty which he regarded as a matter of principle, it being the last vestige of the already repealed Townshend duties, but in other respects the petition of the Company was virtually approved. The tea destined for America was to receive a rebate equal to the full duty paid in England, and was then to be consigned to agents of the Company in American ports, who were to receive it on the payment of the small American duty. Americans would now drink tea more cheaply than Englishmen. The profits of at least two middlemen would be abolished, and the smuggling of tea would wither and decay. The whole arrangement seemed eminently reasonable and just. Accordingly agents were appointed to receive the tea, among them the sons and the nephew of Governor Hutchinson in Massachusetts, and the ships laden with the fragrant article left British ports to bring happiness and good

cheer to the Americans, and profits to the great Company in which so many eminent Englishmen were interested, both as patriots and as men of business.

The issue was not one of duty, for America had for at least three years imported and paid duty on tea without serious protest. But the new policy struck at the essential interests and safety of the most powerful class in the seaports, a class which had grown cold to the vagaries of the radicals. If their tea business could be taken from them and handed to a monopoly by act of Parliament, how long would the merchant be safe? When the great Company had become the sole purveyor of tea to the astonishingly thirsty colonial, how long would tea remain cheap? In a frontier community, with its essential individualism, there is no fear which can be appealed to more easily than the fear of monopoly. The ministry, which had virtually won its victory in the matter of the duty, had now managed by an act of singular lack of insight and tact, to arouse this sleeping bogey. They had again united the radical and the conservative sentiment in the commercial colonies. The opposition to the tea was essentially similar to the opposition which the West later developed under Andrew Jackson to the national bank. The merchants did not object to cheap tea, but they naturally wanted to sell it themselves.

Late in 1773 the ill-fated tea ships began to arrive at American ports. In the meantime public opinion had been excited to such a point that there was small chance of the tea being landed, or of its being sold if it reached the shore. In Charleston the tea was landed to rot in a warehouse. From Philadelphia, Baltimore, and New York the ships were turned back by dangers of violence. The story of the Stamp Act seemed likely to be repeated, and another Act of Parliament was about to become a

dead letter. But it was in Boston that matters reached the dramatic crisis which aroused the anger of two peoples, and strained relations already at the breaking point.

The merchants were determined that the tea should not be landed. Governor Hutchinson, whether actuated by loyalty or by the obvious business interests of his family, was equally determined that the Act of Parliament should be carried out to the letter. Between two such positions no compromise was possible. The hopes of the indefatigable Samuel Adams had come true.

We have the story in the whimsical letters of John Andrews, a worthy merchant who finally joined the patriot side. On the arrival of the first ships the bells were ringing for a general muster. Handbills were stuck up calling upon Friends! Citizens! Countrymen! It was not only the town but the country which was unanimous against the landing of the tea. Hundreds of people from towns twelve miles away came to attend the great mass meetings. It would have puzzled anyone to buy a pair of pistols in the town, so resolved were the people to repel force with force. At ten o'clock on the morning of Thursday, December 16th, 1773, a crowd of five or six thousand people gathered in the Old South Meeting House, where they passed a unanimous vote that the tea should go out of the harbor that afternoon. The harassed owner of one of the ships went first to the custom house to demand a clearance, which the custom house officer told him was not in his power to give, without the duties being first paid. Accompanied by a committee from the town, he then went to the Governor who sent back word "That consistent with the rules of government and his duty to the King he could not grant a pass without they produced a previous clearance from the office." By the time the unlucky owner

returned with this message, the candles were lit in the house, and upon reading it the assembly broke up with such shouts, as induced the worthy merchant, while drinking tea at home, to go out and know the cause of the disturbance.

In the meantime, a well organized group of two hundred men, disguised as Indians, marched two by two to the water front where three ships lay with 114 chests of tea valued at about 15,000 pounds sterling. They took the greatest care not to injure the other parts of the cargo, but by nine o'clock in the evening every chest of tea had been broken open and its contents scattered on the waters of the bay. Not the least insult was offered to any person, save one, Captain Conner, not many years since removed from Ireland, who was discovered hiding tea in the lining of his clothes and who was pretty severely handled, being given a coat of mud, with a severe bruising into the bargain; "and nothing but their utter aversion to make any disturbance prevented his being tar'd and feathered."

It must be confessed that the whole incident seems very trivial in comparison with the results which came from it. That is always the case with the separate incidents of a great quarrel. It was probably the evidence of law-abiding lawlessness, which convinced the authorities that they were now dealing, not with a mob, but with a rebellion, and that they must act and that right quickly.

The people of Boston were fully expecting soldiers to enforce the landing of tea, but neither they nor the people of the other colonies were ready for the series of measures which were adopted in quick succession in the spring of 1774. Without serious opposition in Parliament, the port of Boston was closed, until such time as the tea should be paid for. The civil governor was

withdrawn, and General Gage was sent as military governor, supported by several thousand troops. No provisions were allowed to reach the beleaguered town except overland, by the narrow isthmus which at that time connected Boston with the mainland. In spite of the generosity of their neighbors the people of the town were reduced to the extremity of want.

The charter of Massachusetts was changed by the same Parliament. The Council which had been elected by the assembly was to be appointed by the Crown. The Governor was given the right to select sheriffs and other magistrates, and these in turn were to summon juries, which had previously been elected by the people. Town meetings were to be held only at the call of the Governor. Soldiers arrested in the performance of their duties were to be sent to England for trial. Colonies which were in no way directly affected saw in this policy of coercion a direct threat at their autonomy.

At the same unfortunate moment, by a mere accident of date, the unsolved problem of the West, in which the middle and the southern colonies were especially interested was taken up. Evidence had come to the ministry that speculators were pushing on into the country north of the Ohio, making more or less spurious purchases from Indian chiefs and setting at naught royal orders and imperial treaties. The incensed Indians were in an ugly mood which soon blazed into the war called Lord Dunmore's War. To prevent dangers of this kind, the ministry which had allowed the whole problem to drift from year to year, now passed a measure which extended the bounds of Quebec to the Ohio, and placed the whole Northwest under the direct orders of the Governor of that province. At the same time the Roman Catholic Church was virtually established, and French law, which did not recognize trial by jury,

was made the basis of the legal system. To the French Canadians these were mere acts of simple justice which had been promised to them at the time when they were conquered from France. But in the English colonies, with their inherited Protestantism, the fuels of religious prejudice were added to the fires which had already been kindled among real and pressing grievances. Again as in 1764, the merchant, the pioneer, the planter had been united in opposition. And this time the old loyalty to the Empire had been killed by ten years of constant animosity. To many men, a choice which had been difficult, would now, in a moment of intense passion, be easier.

There is nothing which shows so clearly the vitality of local institutions in America as the almost spontaneous origin of the call for the Continental Congress. For the Revolution, until after the moment of open war, is a drama without a hero, and for that very reason, more really though less obviously dramatic. Attempts have been made again and again to find the "Father of the Revolution." But poor, half mad James Otis with his great speech against the writs of assistance, John Hancock, Patrick Henry, John Dickinson, even that arch plotter and great democrat, Samuel Adams, were after all but voices uttering what many others were quite ready to say if they had been silent. The War of Independence had its central figure and its hero. But the hero of the Revolution which made that war inevitable was the town meeting and the provincial assembly. Almost at the same time from many a separate town and colony, came the call for a congress of all the colonies which was to meet in Philadelphia in September of 1774. In spite of the pleas and the resistance of the Royal Governors, the delegates were chosen, and came together in that extra legal body which was destined to

become the first government of a nation united in the interests of local autonomy against centralized imperial control. That early September day in 1774 when delegates, most of whom had never been outside the limits of their own province, and who, with honest John Adams, never expected to be so far from home again, met in Carpenters' Hall, was the real birthday of a nation.

After proceedings had been duly opened with prayer, it is no wonder that these representatives of so many diverse groups, found themselves without a common plan of action. All were agreed that the policy of the home government was mistaken and ought to be changed. But how? Joseph Galloway, with his keen legal mind, represented the most conservative group. He came with a full fledged imperial constitution in his pocket, none the less interesting because it was never adopted. There was to be an American Congress, to constitute a permanent, though subordinate house of Parliament. Both the old Parliament in Westminster and this new body were to have the right to legislate in all matters which they deemed of imperial concern, or which affected more than one colony. No measure was to become a law until approved by both. If the Continental Congress had been ready to seek a solution in the adoption of a federal plan, it is hard to imagine one which would have been more likely to do justice to both sides. At the beginning, at least, six of the colonies seemed ready to approve of Galloway's suggestion. Later the tide of radical sentiment grew stronger, and all references to the plan were expunged from the minutes, as they have largely been from American history.

John Dickinson, fearful of the rising spirit of rebellion, still believed that by petitions and careful statement of the old constitutional arguments the misguided ministers could be persuaded to restore the good old times

before 1763, when each colony managed its own "internal polity" without outside interference. Without the imagination of Galloway or the rash courage of Samuel Adams, he was allowed to write a formidable group of State papers in which he explained the colonial position to everyone with academic lucidity and even detachment. There were appeals to the King, to the two houses of Parliament, even to the people of Quebec who were quite likely to be satisfied with their own church and their own system of law, able papers, if only they had not been quite so certain to become waste paper; but in fact plaintive efforts of the last of the American Whigs to save a lost cause, and even now to reconcile two irreconcilable loyalties!

So it seemed to the more realistic radicals led by the two cousins from Massachusetts. They had been careful to vote for the petitions, but they counted more on the old policy of coercion, now almost as much out of date as the legal arguments of the kindly and harassed Dickinson. The Colonies through their representatives in Congress entered into a Continental Association, in which they pledged their various communities to stop importing British goods at once, and after one year to stop exporting colonial goods to Great Britain. Committees were to be formed in the various towns and counties to see that the Association was rigidly enforced. Having adopted this first of American national laws, complete in all respects, the First Continental Congress adjourned to meet again on the tenth of the following May. When that time came, it would be evident to almost everyone that the time for peaceful discussion of grievances and even for commercial boycott was at an end.¹

¹ For the Constitutional background of the Revolution, see especially, McIlwain: *The High Court of Parliament* and *The Ameri-*

can Revolution, a Constitutional Interpretation, and Becker: *The Eve of the Revolution*. For the economic backgrounds, Schlesinger: *The Colonial Merchant and the American Revolution*, and Alvord: *The Mississippi Valley in British Politics* are indispensable. To the present author, no one seems to have given sufficient weight to the imponderable forces of mere human feeling and emotion which are always the fundamental factors in a great quarrel. Van Tyne: *The Causes of the American Revolution*, is an excellent account.

CHAPTER VII

THE WINNING OF INDEPENDENCE

1774-1778

WHEN the members of the First Continental Congress went to their homes, in October of 1774, to organize the local committees which were to enforce the Association against British commerce, the first great step towards Independence had been taken, although even now the majority of the American people were unwilling to recognize the full significance of the measures which they were taking. The loyalists were very numerous, and although they belonged to no single social class, they represented a majority of the wealth and the culture of the colonies. Their chief weakness lay in the fact that their position was essentially negative. Many of them desired nothing so much as to be left alone. They were thus no match for the eager radicals. Those who dared to use British goods or to express loyalty to their King were likely to be boycotted and compelled by social pressure to acquiesce in measures which they detested. Those who talked too much were likely to be visited by a group of their neighbors and subjected to the indignity of a coat of tar and feathers. In spite of the rising feeling, there was little bloodshed, but the governors of the various colonies soon found themselves unable to carry on the functions of their office and to protect their friends. Within a year, the various governors were

compelled to flee to the shelter of the friendly battle ships. One loyal executive, William Franklin, the son of the patriot leader, was arrested. But for the most part, the radicals were satisfied to frighten the governors away. One or two, like the popular Governor Eden of Maryland, were allowed to go, accompanied by marks of personal respect. But whether they went in fear or in respect, they all went, and the thirteen colonies had practically become independent states long before their common representatives were ready to take the last formal steps.

The only governor who was in a position to offer effective resistance was General Thomas Gage who had the advantage of four thousand troops. Even this advantage was somewhat doubtful, for the whole force was virtually besieged in the peninsula which forms the city of Boston. During the winter, when he wanted to find out something of the course of events in the province of which he was the legal head, he was compelled to send out officers in disguise. The radicals organized their companies of minutemen, militia ready for any emergency, and the situation was one of almost open war. (On April 19, 1775, a body of troops which had been sent out to arrest the radical leaders, John Hancock and Samuel Adams, and to destroy military stores at Concord were met on the village green at Lexington by a small body of militia. It is impossible to say who fired the first shot, but before the British soldiers pushed on to Concord, eight Americans had been killed and ten wounded. On the return from Concord in the afternoon, every hedge bristled with rifles of the concealed Americans. After serious losses the weary soldiers were barely able to escape to the protection of their ships.)

The news of Lexington spread like wildfire to the neighboring colonies, and from far and near the militia

gathered to the siege of Boston. Israel Putnam, a hero of the Indian wars, left his plow in the furrow in his field in Connecticut, and within twenty hours had ridden to Boston. Nathanael Greene, the young Quaker from Rhode Island, who later became the most trusted of Washington's generals, and who had been expelled from the peace-loving church of his fathers on account of his too frank interest in the strategy of Turenne and in the organization of militia, joined the great enterprise in which he was to win military renown hardly inferior to that of Washington himself. It was said of Greene: "Quaker though he was, when his country called, he knocked his broad-brim into a cocked hat, and went to the front." It was a motley and ill-organized crowd of sixteen or twenty thousand men from the various New England colonies which hemmed Gage within his narrow quarters, and yielded scant obedience to their General, Artemas Ward.

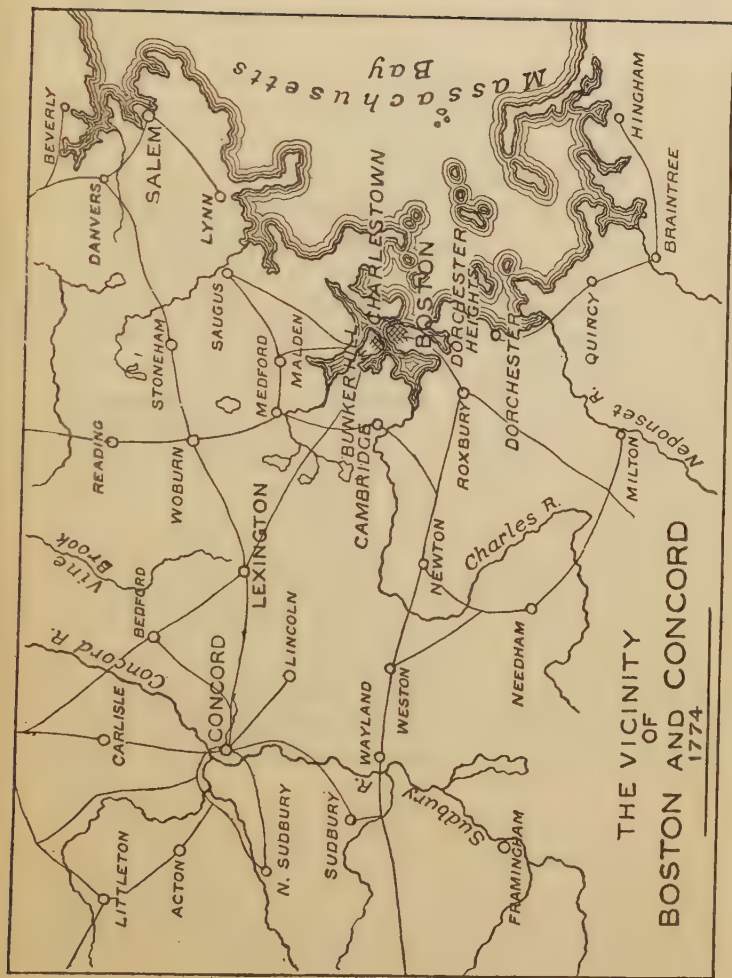
The Continental Congress was to reassemble on the tenth of May of 1775. On that very day, a group of soldiers under the command of Ethan Allen and Benedict Arnold surprised the small British garrison at Ticonderoga and compelled it to surrender with its important stores and cannon, "in the name of the Great Jehovah and the Continental Congress!" This was no longer self defence. It was war, which the more conservative members of Congress little desired. As usually happens in such cases, action had moved faster than words.

The members of the new Congress now represented all the thirteen colonies. There were still some conservatives, but the effectiveness of the radical organizations was apparent in a membership which now excluded those who like Galloway were determined to preserve the empire. Among others, George Washington was

conspicuous in the buff and blue uniform of a Colonel of the Virginia militia. He, at least, evidently believed that the times now called less for words and more for deeds. With his old family, his military reputation established as a young man in the French wars, and his great wealth, he had all the qualities to win the confidence and the respect of a society which still yielded allegiance to aristocratic virtues. The very dignity of his manners and the nobility of his presence won ready confidence and respect. Above all, he was from the Old Dominion and might serve as a symbol of the fact that the army at Boston was to be representative not only of New England but of America. Five weeks after the members had come together, on the motion of John Adams of Massachusetts, George Washington was made commander-in-chief of the American forces and left at once for the scene of war. Congress had taken the one step indispensable to the success of their cause.

In the meantime, the beleaguered British force had been encouraged by reinforcements under Howe, Clinton, and Burgoyne, which raised the available troops of General Gage, to more than ten thousand well disciplined troops.

The city of Boston is dominated on the north by a peninsula which contained the village of Charlestown, and which is approached from the mainland by a narrow neck of land. On the evening of June sixteenth, a body of Americans under General Putnam and Colonel Prescott were thrown into this peninsula and passing over Bunker Hill, entrenched themselves on Breed's Hill, from which they dominated the whole harbor of Boston. In spite of their strong position, they were virtually in a trap. As Clinton pointed out, by simply occupying the neck behind their position, the whole force might be cut off from all reinforcements and com-



A Map Illustrating Military Events in the Neighborhood of Boston and Concord (1774)

pelled to surrender. But Gage had supreme contempt for the fighting qualities of the Americans, even when entrenched, and determined to attack them directly in front.¹

Putnam, who had had campaign experience, did not fail to realize the risk that the little force might be cut off if the British should, under the cover of the fire of the troops, land troops on the neck. He felt assured, however, from his knowledge of the officers commanding the British force, with many of whom he had been associated in the French and Indian Wars, that they would be likely to despise the fighting power of the American farmers and that they would decide to assault in front with the certainty that the farmers would be scattered. Putnam's estimate of the judgment of the British officers proved correct. The English commanders bore in mind throughout the following years of fighting the heavy losses incurred in assaulting entrenchments behind which were capable American sharp-shooters. It was the memory of Bunker Hill that kept Howe from assaulting the heights of Dorchester. It was the same memory that, after his victory on Long Island, kept the same general from pressing the attack against Putnam's lines on Brooklyn Heights. The use made by Putnam of his personal experience with British officers proved, therefore, an important influence throughout the whole war.

Picked troops under Howe were landed under the

¹ The plan for putting up entrenchments on Breed's Hill and on Bunker Hill which should serve as a menace to the British lines in Boston was General Putnam's, and Putnam had been given the command of the troops sent out from Cambridge to occupy the two hills. We have from a contemporary writer the report of the order given by Putnam as he passed in front of Prescott's lines: "Hold your fire until you see the whites of their eyes. Fire low; save your shot; powder is scarce. Pick the officers."

screen of the burning buildings of Charlestown. Twice they charged, with perfect discipline and courage, and were repulsed with heavy losses, the Americans withholding their withering fire until the red coats of the British made a perfect target. Only on the third attempt, after the American ammunition was exhausted, did the attack succeed, and even then the Americans escaped across the unguarded neck.

Washington heard the news on his way to join the army, and went at once to the heart of the situation. "Did the militia fight?" he asked. "Then our liberties are safe." On July third, 1775, under the historical elms of Cambridge, Washington took command of the army.

The new commander was in the forty-fourth year of his age, strong, vigorous, and patient. And he needed all these qualities. The motley crowd which composed his army was in a state of constant flux. The militia came and went, and during the summer and winter Washington was compelled to create an army in the presence of the enemy. But Gage had taken to heart the lesson of Bunker Hill and he made no attempt to cut his way out. As the winter wore on to spring, supplies in Boston ran perilously low. The Americans secured supplies captured from British vessels by the privateers that were now beginning to prey upon British commerce. Henry Knox, lately a bookseller in Boston, had had the enterprise to bring through the forests on sleds across the snow the cannon that had been captured at Ticonderoga for use in the siege of Boston.

Communication across the Atlantic was painfully slow and for six months no word came from England to Admiral Lord Howe or to General Gage. In March, at the suggestion of General Rufus Putnam, who had been appointed chief engineer, the cannons brought by Knox were planted on the heights of Dorchester and

these cannons dominated the roads in which lay the fleet of Admiral Howe. The new British commander, who now replaced Gage, was General William Howe, the brother of the Admiral. Howe had now to decide either to fight or to evacuate Boston. He concluded that the American position was too strong to be attacked. If he had only known that Washington had no supply of powder for Knox's guns, the assault on Dorchester Heights would probably have been made. On the seventeenth of March, Howe's army, accompanied by more than a thousand disappointed and discouraged loyalists, was embarked on the transports and taken to Halifax.

In the previous fall, two American expeditions had been detached to conquer Canada which was evidently to serve as a British base during the war. Washington hoped much from this movement and believed that the power which held Canada would probably win the war. One force under Richard Montgomery marched by the old route of the Indian wars past Ticonderoga, and after some delay, succeeded in November in capturing Montreal.

A second little force, under the brave and energetic Benedict Arnold, pushed up through the wilderness of Maine. In December, after many hardships, the two armies met on the historic plains of Abraham. But the French Canadians had small reason to trust or to join their Protestant neighbors and remained apathetic. On the last day of the year the Americans determined to try to carry the fortifications of Quebec by assault. Montgomery was killed, Arnold was severely wounded, and Daniel Morgan, later the hero of the battle of the Cowpens, was captured. In the spring, the able British commander, Carleton, received large reënforcements. The little American army was decimated by smallpox, and compelled to withdraw from Canada. But Arnold

managed to delay Carleton by his defence of Lake Champlain, and thus kept him from marching south along the Hudson to New York. This delay of one year, as we shall soon see, was probably decisive in the strategy of the Revolution.

While these struggles for the possessions of Boston and Quebec were being carried to a decision, Congress was taking one step after another which could have no other meaning except independence. At the beginning of the new year, 1776, Thomas Paine, a British radical who had recently come to the United States, published his pamphlet *Common Sense*, in which he strongly urged the advantages of independence. He ridiculed the idea of hereditary rulers, he urged the essential absurdity of the situation in which an island three thousand miles away, across a stormy ocean, tried to govern a continent; he suggested the basis of what was to be called later the Monroe Doctrine when he said that the essential interests of America were sure to be different from those of any European power; above all he showed that America could expect to gain no outside assistance so long as it still tried to remain a colony. To Thomas Paine a Declaration of Independence was an essential step in the foreign policy of a new nation.

These were the very thoughts which most men were beginning to think, but which many did not have the courage to state. Paine had the ready command of forcible words to reach every American, and his pamphlet sold by the thousand. He may be regarded as the Father of the Declaration of Independence.

In March, Congress commissioned Silas Deane to go to France for aid. This was either independence or treason! In April, the ports of the United States were opened to the commerce of the world, a step that abolished at a stroke the old Navigation laws, which from

a British point of view had been the only advantage in having colonies at all. In May, the various colonies were advised to adopt constitutions, deriving their authority from the will of their people. Finally in June, committees were appointed to draft Articles of Confederation, to carry on the diplomacy of the nation, and to draw up a Declaration of Independence. This document, written by Thomas Jefferson, was adopted after some amendments, on the memorable fourth of July of 1776. It appealed frankly from the rights of Englishmen to the rights of man. It did not make the former colonies independent, for that had been done already by revolution, or was still to be done by war. But it did announce the true object of the war to the world, and in that respect it was an appeal for foreign help. In its immediate purpose, it was like the Emancipation Proclamation, and the Monroe Doctrine of later years, a great forward step in diplomacy. At home, it helped to crystallize and make clear public opinion, and to divide Americans sharply into a larger and a smaller group, the patriot and the loyalist. This division was made even clearer when Congress adopted what was already a common measure in the various States and advised that the loyalists should be immediately disarmed. The time for compromise had now come forever to an end.

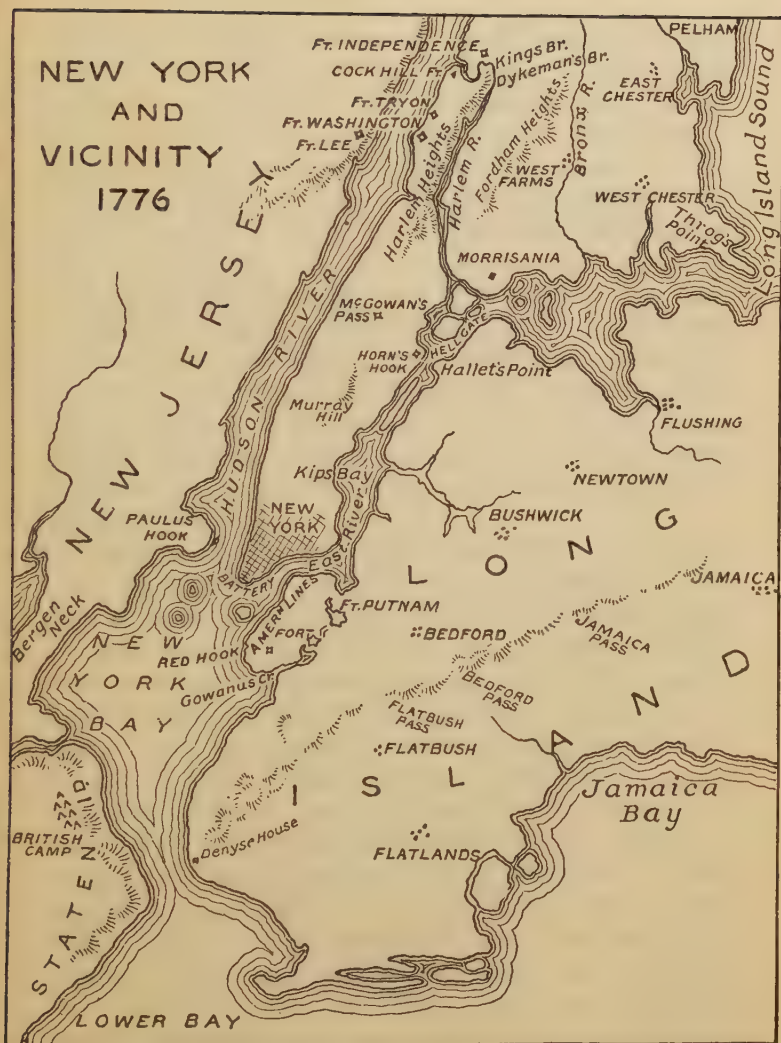
By the spring of 1776, the ministry of Britain had come to recognize that it had on its hands not merely a rebellion in Massachusetts, but a continental war. The standing army was small, but it was quickly recruited to its full strength, and German mercenaries were hired from Hanover and from the feudal ruler of Hesse Cassel to supply the weakness which still remained. First and last, some thirty thousand troops were secured in this way, of whom not more than twelve

thousand ever again saw their native land. These were the soldiers whom the Americans called Hessians, and whose presence helped to add bitterness to the struggle.

Three great expeditions were planned by the Minister of War, Lord George Germaine. One was to go to Quebec, to relieve the hard pressed Carleton and save Canada as a British base. The second was to capture Charleston and to aid the loyalists who were unusually numerous in the far South. And the third and greatest was to come under the two Howe brothers, bearing in one hand the olive branch of pardon and in the other the sword with which to strike through the great seaport of New York at the heart of the rebellion.

The relief of Canada by the British was, as we have already seen, accomplished in May. But in the South matters did not go so well. The loyalists in the back counties of North Carolina moved too soon and were defeated before the troops under Clinton could give them effective aid. The ships under Admiral Parker were so severely handled by the fortifications at Fort Moultrie that they abandoned any attempt to capture Charleston. At the same time the Cherokees, who had been encouraged to attack the frontier settlements by British agents, were defeated by Sevier in the western part of North Carolina. Whatever loyalty existed in the back settlements was soon stamped out, and until the closing years of the war the far South was freed from the danger of invasion.

Late in June, 1776, the transports of the great central expedition began to arrive and to disembark their troops on Staten Island. In a few weeks General William Howe, soon to be knighted for his exploits, had under his command an army of more than thirty thousand excellent troops. The waters of New York harbor were completely dominated by a great fleet under his



A Map Illustrating Military Events in New York and Vicinity

brother Lord Howe, whom his sailors delighted to call "Black Dick." The two brothers were Whigs of the school of Chatham, and were probably anxious to win only so great a victory as might bring the rebellion to an end, without playing too much into the hands of the Tories in England. Only so can we understand at all the lethargy with which General Howe followed up his early victories.

From a purely military point of view, New York was untenable so long as the British had the only fleet. Nathanael Greene advised that the city be abandoned and burned so as to offer no refuge to the British. But the political effects of such a step at the time when the country had just been won to accept a reluctant independence might well be disastrous. Congress ordered a defence of the city.

For this purpose Washington had only fifteen thousand troops, many of them untrained militia. The key to New York was the heights of Brooklyn, and whether wisely or not, Washington detached about half his army and placed them on Long Island under the command of General Israel Putnam. After weeks of delay, Howe was at length ready to move and disembarked an army of fifteen thousand men near the present Coney Island. Marching north by three roads, his movements were conducted with skill. The American forces were outflanked, and driven back within their entrenchments on Brooklyn heights. One whole division under Sullivan was surrounded and captured. An adverse north wind made it impossible for the British fleet to come up the East River and to cut off escape, and Washington, who had collected all the available boats in the river, was enabled to cross the river with his whole army of ten thousand men, with the artillery and the wounded, under cover of the darkness and the

fog, before the British knew that a single soldier had moved. It was a miracle of good fortune and skill, in which the wind, the slowness of Howe, and the foresight of Washington played their part.

Howe now wasted valuable time in trying to persuade a committee of Congress to accept pardon without independence. Failing in this effort at diplomacy, he crossed the river under the protection of the fleet and with little difficulty captured New York. Indeed, some military critics are of the opinion that by landing troops near the upper end of Manhattan instead of in the neighborhood of Thirty-fourth Street, he might have bottled Washington's whole army within the city. As it was, Putnam's rear guard escaped with difficulty, but he saved his artillery. As Washington retreated north he left a large body of troops in the two forts which commanded the lower reaches of the Hudson River, and which had been named Forts Washington and Lee. Fort Washington was caught between the British army and the fleet, and compelled to surrender with a garrison of twenty-five hundred men, under the command of General Cadwallader of Pennsylvania, and valuable stores of ammunition and cannon. Fort Lee was captured a little later. Washington took the whole blame, which was really largely due to the insistence of Congress, and acknowledged frankly that in not abandoning the forts after the evacuation of Manhattan Island he had made an error. He was still inexperienced in the management of large forces but he learned by every mistake, and his military judgment became better with every reverse. Indeed, after the loss of Fort Washington, there was no great mistake which could be charged to his account.

After some skillful maneuvering to escape capture, and an indecisive engagement at White Plains north of

New York, Washington retreated across New Jersey to cover the capital at Philadelphia. It was the darkest of many dark moments in his career. He had left his second in command, an eccentric British soldier of fortune, General Charles Lee, who had seen service in the British army and later in Russia and Poland, and who was counted a man of genius, to watch the Highlands of the Hudson, and to join him as soon as possible. Lee seemed to be willing to have a disaster come upon his chief, and followed slowly. It was probably a fortunate incident which led to his capture by the British in an inn on the outskirts of his army. But it seemed at the time another tragedy, like the loss of Manhattan Island and the capture of the two forts. Howe followed Washington to the banks of the Delaware, and New Jersey fell into the hands of the British. Their posts extended across that state through Princeton to Trenton, which was held by a body of Hessians under Colonel Rahl.

In this moment of depression, when many were ready to accept some compromise, and when the loyalists in New Jersey and Pennsylvania seemed more numerous than the patriots, Thomas Paine wrote, by the flicker of the camp fires, while the army slept, an appeal to the pride of the new country. In *The Crisis* Paine inspired the tired soldiers with new confidence in their commander whom he praised as a modern Fabius. "The summer soldier and the sunshine patriot," Paine believed, would shrink from the great ordeal. But those who were faithful now, would deserve the love of man and woman. "Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as Freedom should not be highly rated."

Washington had just been reinforced by the men whom Lee had refused to send forward, and in these

circumstances he executed a movement that made men forget earlier mistakes and which in the opinion of so able a military critic as Von Moltke places his name in the list of great commanders. For ten hours on Christmas night his men were ferried through the ice of the Delaware, and in early dawn fell upon the surprised Hessian outpost at Trenton and defeated and captured the whole force. Four field pieces, brought through the ice by General Knox, now chief of artillery, were an important factor in the victory. When Cornwallis arrived with reinforcements, instead of retreating again across the dangerous river, he made a wide detour and cut into the British line of communications from the south at Princeton, defeating the three British regiments which had been left behind to guard that important post. With Washington on their flank, the whole invasion of New Jersey crumpled, and the British army withdrew for the remainder of the winter within their lines at New York, while Washington took a strong position at Morristown among the hills of northern New Jersey, from which he could at once watch the Hudson and the Delaware. By a single bold stroke, made necessary by despair, the Revolution had been saved.

With the coming of another summer in 1777, the British must try again for a decision before France, which was openly friendly to the Americans, could interfere. New York was known to contain many loyalists; Vermont, which was claimed by both New York and New Hampshire, was disaffected and desired recognition as a separate state. The obvious British plan was to conquer this whole region and so drive a wedge between New England and the South. For this purpose Burgoyne was to advance from Canada by way of Lake Champlain, while a smaller expedition of Indians and loyalists under St. Leger was to proceed through cen-

tral New York from Lake Ontario and meet Burgoyne near Albany. In the meantime, Howe was to bring his force up the Hudson also reaching Burgoyne at Albany.

General Howe had had instructions from London as to this plan, but had naturally been left discretion as to the nature of his coöperation. He was in communication with the captured Charles Lee, who advised him to attack the capital of the country at Philadelphia, and thus to draw away Washington from the Hudson. The possibility of so brilliant a stroke fitted in well with his own ideas, and with Washington gone, Howe evidently did not believe that either Burgoyne or St. Leger would have serious difficulty in the north. Some weeks were wasted in an attempt to approach Philadelphia by land, but Howe was outmaneuvered by Washington, whose army had now been strengthened and whose position to the north of the line across New Jersey was now as threatening as it had been the previous winter. Accordingly Howe placed his army in transports and sailed away, leaving Clinton with a garrison in New York.

Where had Howe gone? His plans were, of course, a profound secret, and Washington had some anxious weeks while the transports wasted valuable time against head winds. At length the fleet was reported in the Delaware, and Washington marched away from New York to the defence of Philadelphia. But Howe found the defences of the river too strong for safe landing in the face of the enemy, and changed his plans again. This time he had sailed out of Delaware Bay and into Chesapeake Bay, the head of which lies only a few miles south of Philadelphia. At the very end of the summer, he landed his troops without difficulty at the head of the Elk, and was ready for the attack which in

the ordinary strategy of European war should have proved decisive. His evident error was in not realizing that his only true objective, in a land in which no city was central or vital, was the army of the enemy, and that army had been as near him in March as it was now in August.

After landing, Howe conducted his operations with skill. He found Washington across his path protected by the swift current of the Brandywine, but the British General only made a feint in front and by a swift movement to the northwest, he outflanked the American position and compelled the retreat of Washington. He now entered Philadelphia with ease, Congress fleeing to a place of greater safety. As his enemies pointed out, it would have been truer to say that Philadelphia had captured Howe than the reverse. Washington's army was still hovering intact in the neighborhood of the city, and when Howe had detached a part of his troops to reduce the American forts on the river and so allow the arrival of supplies by the sea, Washington attacked the outposts of his army at Germantown, a suburb just north of the city and was prevented from making this a second Trenton only by the confusion into which his army fell in the fog. The Americans now withdrew to the safety of their camp at Valley Forge, where they might watch the city and take advantage of any opening. As winter came, Washington's militia, "summer soldiers" indeed, began as usual to melt away. Supplies ran low, the surrounding population sold more goods to the British for gold than it was willing to bring to the American camp for paper. But Howe refused to attack in the depth of winter even a weak army when this army was entrenched. Through all the suffering of Valley Forge, the American army was strangely safe. Was it still the long shadow of Bunker Hill?

In the meantime, Burgoyne had pushed south into the dangerous wilderness of Lake Champlain, quite according to schedule and in entire ignorance of the fact that Howe had left New York for the south. He recaptured Ticonderoga without serious difficulty and reached the head waters of the Hudson. With every forward step, his supplies ran lower and lower and his danger increased. In front of him lay a well appointed army which had been organized by General Philip Schuyler, one of the great landed aristocrats of New York, who was now displaced on account of the jealousy of the New Englanders by another soldier of fortune of British birth in the person of General Horatio Gates. Burgoyne had brought Indians with him whom he found very difficult to control and practically useless in an emergency. They made depredations on patriots and Tories alike, and the British general soon found that in case of invasion loyalists were not to be relied on. The militia swarmed as they had after Lexington, and his line of communications was first endangered and then broken. He detached a division of Hessians to secure supplies from Vermont, supposed to be loyalist on account of its hatred of New York, but these were surrounded and captured at Bennington by a force under General Stark.¹ St. Leger, too, marching east to join him, had been delayed by the strong defence of Fort Stanwix on the upper Mohawk, and had then been checked in a bloody engagement at Oriskany by a hastily gathered force, largely made up of German settlers, under the command of General Herkimer. Herkimer was killed. A rumor spread through the camp that Burgoyne had surrendered and that the main American army was coming. The Indians fled and St. Leger was compelled to retreat and to leave Burgoyne to his fate.

¹ "Boys, we win this field or Molly Stark will be a widow."

Crossing to the west side of the upper Hudson, Burgoyne tried twice to break through the lines which now held him like a mighty vise. Each attempt was foiled largely by the fighting qualities of Benedict Arnold who now rendered his last supreme service to the American cause and who was severely wounded. At length, when all commanding positions had been occupied by the Americans, and retreat had become hopeless, Burgoyne surrendered with his whole army on the seventeenth of October of 1777. It was the first great American success. The captured soldiers were never sent back to England as Gates had promised, but on technicalities which did little credit to the good faith of Congress, were sent from one prison camp to the other, and before the end of the war had been allowed to escape singly or in groups and became absorbed in the American population. It is curious to consider that in the veins of some Americans today, there doubtless runs the blood of the once hated Hessians of Burgoyne. Burgoyne himself returned to England to make his defence and to take his seat on the Whig side of Parliament.

The news of Germantown which showed that the army of Washington was still intact, and the greater news of the surrender of a whole British army at Saratoga, reached France at almost the same moment and were able to accomplish what all the skill of Franklin could not do. From the point of view of prosaic common sense there was every reason why France should stay out of a costly war, in which she had so little real interest. Louis XVI had come to the throne of his fathers in 1774, to find his budget burdened by the great debt which other wars for glory had made necessary. After all, the Americans were rebels against their king, and not very proper companions for the most absolute

of monarchs. All this, Turgot, who was a great economist and the chief minister of finance, pointed out with honest bluntness. Among liberal noblemen and in the salons of Paris there was some sentimental sympathy for the Americans, who were imagined to live in the state of Nature which was the ideal of certain eighteenth century philosophers. This incentive brought the young and enthusiastic Lafayette to the aid of the Americans in 1777, but it had small influence in the councils of the king. These were dominated by a diplomat of the old school in the person of Vergennes, the Minister of Foreign Affairs, who had been brought up to believe in another sentiment quite as quixotic as that of the liberals but more in accord with French traditions.

It was not commerce, it was not self-defence, it surely was not sympathy, with which the old diplomacy had nothing to do, which now served as the source of policy. France had lost prestige by the disastrous events of the Seven Years' War, a war which had ended with the loss of Canada, of India, and of Dunkirk. With a people who loved glory so much as the French, those disasters were dangerous to the monarchy. France did not want Canada again, and Vergennes knew that his new allies would never peacefully allow that province to fall into her hands. But he did desire to take part for his master in a victorious war which should make bright again the somewhat tarnished glory of the French name. Turgot was speaking long before his time when he appealed to purely economic reasons. Vergennes addressed simpler and more heroic motives. So France entered the American alliance, with little hope of any concrete result except the weakening of England through the loss of her American dominions, and so began that long train of events which was finally to

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carry Louis to the guillotine, and the full consequences of which we can even now scarcely calculate.

Years before the official position of France had been frankly stated in an appeal to motives which it is difficult for our more prosaic age fully to comprehend; "The diplomatic object of this Crown has been and always will be to enjoy in Europe that rôle of leadership which accords with its antiquity, its worth, and its greatness, to abase every power which shall attempt to become superior to it, whether by endeavoring to usurp its possessions, or by arrogating to itself an unwarranted pre-eminence, or finally by seeking to diminish its influence and credit in the affairs of the world at large." That diplomatic object was achieved when, on the sixth of February, 1778, Vergennes and Franklin signed the momentous document which allied the young republic to the oldest and proudest of European monarchies.¹

¹ On this subject, see especially, Corwin, *French Policy and the American Alliance*, and Phillips, *The West in the Diplomacy of the Revolution*.

CHAPTER VIII

THE CLOSING YEARS OF WAR, 1778-1782

WITH the surrender of Burgoyne and the making of the French alliance, the character of the struggle was materially changed and soon became a great world war, the result of which would depend to a large extent on power at sea.

Even before he had received definite news of the positive action of France, Lord North came before a silent House of Commons and introduced conciliatory resolutions, which were the best proof of the extreme seriousness of the situation. The most obnoxious of the measures for the taxation and control of the colonies were at once repealed, and commissioners were appointed who were empowered to recognize the authority of Congress as the representative of the American people, to allow each of the colonies complete local self government even in electing their own governors, to withdraw all troops from America, to promise that America should not be taxed except by her own representatives, and even to allow the colonists to trade freely with the whole world. In return for all these concessions, which went even further than what is today known as Dominion Status in the British empire, the Americans were to be asked but not compelled to make voluntary contribution to their own defence and to allow a pref-

erential tariff on the goods of the home country. The only bond of union in the future would be a mere technical acknowledgment of the sovereignty of the King. Lord North deserves the credit of forecasting in these measures, the essential features of the plan which has after many years given stability to the British Empire by a unique political experiment.¹

Nothing illustrates more clearly the complete revolution in sentiment which had taken place in the short space of less than three years, than the fact that these measures were not even seriously considered in America. Too much blood had now been shed to make possible any compromise, however generous. The loyalists now began to feel more than ever the heavy hand of angry neighbors and they fled by the thousand to the protection of the British lines in New York. Their great estates were confiscated and sold to new owners. It has been estimated that as much as half the land in New York changed hands. Most of the buyers were small farmers who introduced in all the states a more democratic and even radical group into the conduct of affairs. By the constant issue of paper money, both by Congress and by the various states, creditors were impoverished and debtors disappeared. As settlers occupied the new rich lands of Kentucky and Tennessee, the old colonial aristocracy was further weakened. In addition, many of the new constitutions contained radical provisions, like the one which in Virginia abolished primogeniture and entail and which established complete separation of church and state. In some colonies, notably Pennsylvania, the western counties were enabled in the stress of civil war to demand larger repre-

¹ The text of Lord North's peace plan is given in Morison, *The American Revolution (Sources and Documents)*, p. 186, a book which contains the essential documents.

sentation in the legislatures. To a very much larger extent than has been commonly recognized these years were producing or at least hastening social and economic changes, which went at least as deep as the political changes which appeared on the surface. It was no wonder that many a conservative and formerly wealthy loyalist saw these changes with bitter despair. The old days were passing away.

Lord North's peace commission reached Philadelphia at a most unfortunate moment. The British army had spent the winter in that rich city in great comfort. But the news had come that a powerful French fleet was on its way across the ocean. If D'Estaing should reach the mouth of the Delaware and defeat the weaker fleet of Howe, Philadelphia could be starved into surrender, a disaster which would make the surrender of Burgoyne in the previous autumn pale into insignificance. Not a moment was to be lost, and the peace commissioners were caught in the undignified bustle to abandon the scene of Howe's great victory.

There was barely room on the transports for the crowds of loyalists, whose assistance to the British made it clearly unsafe for them to remain behind. The army, under Clinton who had now succeeded the unlucky Howe in chief command, must retreat across the familiar plains of New Jersey to the coast. In June the British, accompanied by a train of baggage twelve miles long wound their weary way through the sweltering heat of a very hot summer. Washington, with an army of veterans well drilled at Valley Forge by Baron Von Steuben and increased as usual by the additions which always came to him in the summer, hovered on their flank, and made it unsafe to take the direct road to New York. The British marched by a southern route directly to the coast where they hoped to meet the

fleet of Howe at Sandy Hook and so make their way to the friendly shelter of New York.

Washington's well considered plan was to fall on the rear of the long line before it could reach the coast and to capture at least a part of the baggage train, an event which might have made necessary the surrender of the whole British army before they could reach their ships. The attack was made at Monmouth, and all the circumstances seemed favorable. Unfortunately the advance was entrusted to Charles Lee, who had recently been released by exchange of prisoners, and whom we now know to have been engaged in helping Howe to plan his expedition against Philadelphia. At the decisive moment, Lee ordered a retreat under circumstances which threw the whole American line into confusion. Washington, warned by the watchful Lafayette, came on the scene barely in time to prevent a great disaster. The delay was just sufficient to allow Clinton to reach the coast, where the vessels of Howe arrived in time to ferry his army across to New York. Lee was dismissed from the army and retired to his plantation.

The fleet of the unlucky D'Estaing arrived just too late to prevent the escape of the British from their untenable position. When the French admiral reached New York he was afraid to try to cross the bar with his heavy ships, and sailed east to try to capture Newport, which was the only other port held by the British and which was being besieged by an American army under Sullivan. But Admiral Howe had now been reënforced and he was able to raise the siege. The fleet of D'Estaing, shattered by a great storm, put into Boston to refit and soon sailed away to protect the French islands in the West Indies. Clinton, in New York, could now hope for none of the great additions of troops which might have been possible before the French entrance into the

war, and contented himself for the moment with raids on the coast which might weary the Americans sufficiently to bring the war to an end. Washington could do little but watch the British lines near New York.

In this period of patient waiting, the chief center of interest was the western frontier. After the treaty of Fort Stanwix in 1768, and especially after the defeat of the Shawnees in Lord Dunmore's war in 1774, the Kentucky country had been opened to settlements, and the "dark and bloody ground," which had been so long the chief hunting ground of the Indians, now contained a number of thriving villages, protected against sudden attacks by their stockades. To the south of the Tennessee River, the settlers had been made safe by Sevier's defeat of the Cherokees at the very beginning of the war. But the British held the posts along the lakes of which the most important was Detroit, and also had small garrisons in the old French villages in Illinois and Indiana. From this great region, the British commander, Hamilton, organized Indian raids, which gave him fame in the frontier as the "hair buyer."

In the late spring of 1778, George Rogers Clark, a vigorous Kentucky settler only twenty-five years of age, organized an expedition under the authority of Virginia, which laid claim to the whole Northwest, and floating down the Ohio to its mouth, surprised and without much difficulty captured the slightly defended posts of Cahokia, Kaskaskia, and Vincennes. In these places, he was welcomed by the French settlers, who now learned for the first time of the French alliance.

Hamilton, at Detroit, was not disposed to yield so easily the rich valley of the Ohio, and soon reoccupied Vincennes on the Wabash. Clark was far away on the banks of the Mississippi, but late in the winter he marched across the plains to the relief of Vincennes.

His men were accustomed to hardships. Wading through icy waters sometimes breast high, they surprised Vincennes and captured Hamilton and his whole force. The West, which had been claimed at once by England and Spain, had now been secured for the Americans. Clark planned still another expedition from Pittsburgh to capture Detroit when news came that the British had invaded Virginia, and that every soldier was needed for the defence of the South. So the forts on the lakes remained in British hands, with their control of the lucrative fur trade, until long after the treaty of peace.

On the New York frontier, the ancient Iroquois Confederation had for the most part proved true to their old allegiance. Twice in 1778 the newer settlements, in the Wyoming Valley of northern Pennsylvania and in the Cherry Valley of New York, had been visited with fire and sword. Under the leadership of their able chieftain, Joseph Brant, a remarkable Indian who had been well educated and had even visited Europe, the whole frontier had been practically cleared of settlers. In 1779, an expedition of four thousand men under Sullivan entered this region by way of the Susquehanna, and totally defeated the Indians near the site of the present city of Elmira. Sullivan marched west through the lake country and destroyed the orchards and fields of the Indians. The power of the Iroquois was broken forever.

After the retreat from Philadelphia, the British commander probably did not expect to be able completely to conquer America. But it was important to hold the West, and to win the South, in which the number of loyalists was supposed to constitute at least half of the population. At the close of 1778, an expedition had been sent to Savannah, which without much difficulty occupied the chief port of Georgia and had soon



A Map Showing the Campaigns in the South. (1775-1781)

compelled the return of that colony to its old allegiance. D'Estaing arrived from the West Indies with his fleet, and in coöperation with an American army, tried by a brave assault to recapture this southern city. Again he failed, much as he had the year before at Newport, and this time sailed away to France, leaving the British fleet supreme in western waters.

This gave Clinton the opportunity to retrieve his old failure before the port of Charleston. In the spring of 1780 he left New York with a great expedition which not only captured this important point, but compelled the surrender of the whole American army under Lincoln that was shut up within its lines. Clinton went back to New York, and left to Cornwallis the task of reducing South Carolina, as Georgia had been reduced the year before. The most important strategic position in South Carolina was Camden from which the roads radiated to the south as well as into North Carolina and Virginia. Cornwallis marched to this point in the interior, compelling the people to take the oath of allegiance on pain of being treated as traitors.

An American army under Gates, the late hero of Saratoga, marched south to oppose his career of conquest. Each army moved forward in the early morning intending to surprise the other. When they met, the untrained militia of Gates proved no match for the discipline of the well trained British soldiers, and fled, after very brief resistance. The commander himself had in four days reached a point two hundred miles away from Camden. It was a remarkable ride, and though he justified it by the necessity of raising a new army in North Carolina, Gates was discredited not so much by defeat as by ridicule, and his friends no longer dared to propose him as a successor to Washington. As the cynical Lee remarked in his own seclusion, the laurels

of Saratoga had indeed changed into the willows of Camden.

At this dark moment in the history of the war, Washington, in addition to his constant difficulties in keeping together an unpaid army, was menaced by a hidden danger of which he was not aware. In spite of his great services to the American cause at Quebec and Saratoga, Congress had refused to give to Benedict Arnold the promotion which he thought he deserved. Unable to take the field on account of his shattered leg, he had, after the British retreat, been made commander of Philadelphia. He had been subjected to much petty criticism for living on an expensive scale and for his friendship with families which had Tory sympathies, and had finally been charged openly with using his position to promote his own financial advantage. The court martial to try his case was postponed with little reason. In the meantime, Arnold, who was a widower, had fallen in love with and married the leading beauty of Philadelphia, Margaret Shippen, whose father was an outspoken loyalist living at New York. About this time Arnold began a secret correspondence with Clinton, in which he claimed to be disaffected by the French alliance. It is probable that he was at least partially sincere in believing that the American cause was quite hopeless, and that advantage should now be taken of the generous offer of Lord North. Might he not now become the agent of reconciliation?

The court martial met at last, and acquitted Arnold of all the chief charges, finding him guilty of only some indiscretions, for example in using public wagons on one occasion to carry his private goods. He was ordered to be publicly reprimanded, a task which Washington complied with as gently as possible, calling attention not only to his faults but also to his supreme services.

As a further mark of confidence, Washington appointed him at his own request commander of the important fort at West Point which dominated the Hudson. In the meantime Arnold continued as he had for a year the treasonable correspondence with Clinton, a correspondence which was carried on through the Adjutant of the army, a young man of fashion, Major André. When the fleet of Rodney visited New York in the late summer of 1780, the plans were almost matured by which West Point with its whole garrison was to be handed to the British.

Some details needed to be worked out, and perhaps the British General desired to commit Arnold in writing to perform his part in a bargain for which he was to receive a commission in the army and a large sum of money. Choosing a time when Washington had left to visit the French General Rochambeau, who had arrived with an army at Newport, now abandoned by the British, Clinton sent André in the *Vulture* to plan with his accomplice.

André came on shore under a flag of truce and consulted Arnold in the house of Joshua Smith, whose precise relation to the plot was never fully explained. André was furnished with exact plans, in Arnold's well known handwriting, of the fortifications and with information as to the disposal of the troops. Since there was little which André could not easily have remembered, these documents were probably intended to commit Arnold so completely to the plot that he could not play his new friends false.

A battery had begun to play upon the *Vulture* and compelled the British vessel to fall eighteen miles down the stream. The boatmen in the employ of Arnold refused to carry André back, and it became necessary for him to put the incriminating documents in his

socks, and attempt to reach the British lines in disguise. Joshua Smith accompanied him a part of the way and then turned back. André went on and was ambushed by three marauders who belonged to one of the groups which infested the region between the two armies and took toll of travellers. It happened that these men had American sympathies, and when, in searching André, they found the papers they sent him as a spy to the nearest American post.

The simple minded and honest commander of the post did not even now understand the full significance of the prisoner whom he had received. He sent word to his superior, Arnold, but was persuaded by his second in command to keep the prisoner. Arnold received the word of André's capture as he sat at breakfast, and managed to escape to the *Vulture*. Washington returned from his visit to Rochambeau that very morning, and was astounded to receive the papers which proved the guilt of Arnold, and the news of the flight of the traitor. With the greatest rapidity, he made West Point safe against the projected attack. In spite of the intercessions of Clinton, there could be no doubt that André was a spy, and he was tried by a court which comprised fourteen officers under the presidency of Nathanael Greene and which contained among others the experienced Steuben. The court found André guilty by a unanimous vote, and he was hanged. The American cause for which so many brave men were endangering their lives had been saved by the sheerest good fortune. It was no time for Washington to play with sentiment, and it is worth noting that almost without exception, the candid British historians have approved the necessity of the course which he took. Arnold served on the British side later in Connecticut and in Virginia. After the war, he withdrew to England in whose service his

sons later won renown. Though sometimes insulted as a traitor, he and his family were generally received, and there seems to be small evidence to support the tradition that he died regretting his lost country or his blackened reputation.

Cornwallis was now supreme in South Carolina, harassed only by the small guerilla bands of Marion and Sumter, who made bold raids upon his lines and after doing what damage they could, disappeared in the swamps and forests to await new opportunities. There was only one man to whom Congress could turn in this emergency. In spite of his recent marriage, Nathanael Greene, clear sighted, resourceful, ever a student of strategy, took up the new and almost impossible task. As his second in command he was singularly fortunate in having Daniel Morgan of Virginia, who had been exchanged after his capture at Quebec. He was also to have under him two cavalry leaders of ability in William Washington, a young relative of the commander-in-chief, and Henry Lee of Virginia, better known as Light Horse Harry Lee, the father of the great Southern commander of later days. There was a generous quality in Greene, which makes his letters to his young wife among the most attractive human documents of the Revolution. Urged to arrest and court-martial Gates, his predecessor, he defended him as one unlucky rather than to blame.

In October, 1780, a few days after the discovery of Arnold's treason, and at a time when even Washington "had almost ceased to hope," before Greene had joined his army, the Americans heard the first welcome news which had come to them since the frontier victories of Clark and Sullivan. Cornwallis detached a body of a thousand well trained loyalists under Ferguson to collect, for the use of his troops, cattle and other provisions from

the Carolinas. Ferguson was also to take measures to encourage and organize the loyalists of the region, where he had been told that loyalism only needed encouragement to come to life. As Ferguson marched north, the whole country seemed to swarm with patriots. It was the story of Bennington again. Many a pioneer in his cabin was loath to leave his family unprotected to join the army for the period of the war, but could nevertheless be counted on to march with his long rifle against immediate invasion. Three battalions, led by Colonels Sevier, Shelby, and Campbell, came over the Alleghany ridge from the Holston valley and harassed Ferguson's marching column, which was encumbered with captured cattle. Ferguson led his force to the summit of King's Mountain, near the North Carolina line, from which position he dared "all the rebels this side of hell to try to dislodge him." And many of them seemed to be on hand ready to try.

Ferguson could have withstood a bayonet charge but was helpless against the unerring rifles of backwoods men protected by trees. The regulars, scorning entrenchments according to the brave traditions of an eighteenth century army, stood out on the bare ridge like a line of scarlet against the sky. When Ferguson himself was killed as he bravely sat on his horse, the seven hundred who remained had no other course save surrender. The victorious party dimmed the luster of their victory by hanging some twenty of their prisoners, natives of the country, who were charged with offences that had become sadly common in a region which was the scene of the most bitter civil war.

The importance of King's Mountain, coming at such a moment, can scarcely be overestimated, for it encouraged many a weary patriot, compelled Cornwallis to hasten his march to Virginia, and so made it possible

for Greene to recruit an army with militia from North Carolina. It may perhaps be regarded with Trenton and Bennington as one of the three decisive engagements of the war.

Greene's new army was too weak to withstand the shock of an immediate attack from Cornwallis. He determined on the dangerous expedient of dividing his forces into two divisions, which would annoy the flanks of the British, trusting to their superior marching powers and to their interior lines to reunite them in case of necessity. The western body he placed under Morgan, who from the days when he had been a teamster in the French wars, had learned just how much and how little to expect of his men. Cornwallis, not daring to advance with Morgan on his flank, sent Tarleton, an able cavalry commander, to intercept and defeat him. Morgan stationed his men at the Cowpens, close to the boundary between North and South Carolina, with a river behind him which made it impossible for the militia to take to their heels as they had at Camden. He posted his men in three lines, the first two militia, and the third, on the banks of the river, seasoned Continentals from Maryland. The first two lines were ordered to fire a few volleys and then to withdraw to the flanks, for Morgan knew that militia could not be expected to stand against a persistent bayonet charge. The plan worked perfectly. The militia realizing that they were only asked to delay the British charge did even more than was expected. They delivered volley after volley, and as they withdrew, Tarleton's men were charging into a sack. Caught between the cavalry and the reorganized militia on the flanks and the Continentals on the river, the whole force was captured or escaped by a precarious flight. Cornwallis had been unexpectedly weakened. In tactics this has been regarded as the

most original and perfectly timed of the battles of the war.

Morgan was now being approached by the main force of the British. It was necessary for Greene to fall back with his two divisions in a rapid retreat across the rivers of North Carolina. With the greatest difficulty he united his two wings and drew Cornwallis farther and farther from his base. He carried with him boats to ferry the rivers which gave him an advantage over Cornwallis, and at length the whole American army was across the Dan on the soil of the Old Dominion.

As soon as he had received supplies and reinforcements he came back across the river, and took his stand at Guilford Court House. In this battle, Greene used almost precisely the same tactics which at the Cowpens had proved so successful in the hands of Morgan. This time Cornwallis managed to drive the last American line back from the field, and so was technically victorious. But his losses were so heavy that he was compelled to retreat to the sea coast at Wilmington, and the net result of the campaign was to resign the whole interior of North Carolina to the control of the Americans, and, better still, to leave the American army encouraged and intact.

The British commander had now open to him three courses. He might again pursue the wily Greene, elusive as a will-o'-the-wisp, across North Carolina. He might go by sea to Charleston and from there make a fresh start, or try to hold it as Clinton was holding New York. But the ministry expected a decision. The expenses and the dangers of the war were mounting. The opposition was gaining votes in Parliament. Cornwallis had found that Virginia was the recruiting ground and the safe place of escape from the Carolinas. He therefore determined, against the judgment of Clinton,

to take his army to Virginia, a transfer which had the advantage of seeming an advance instead of a retreat.

As Cornwallis marched north from Wilmington, Greene did not follow, but turned back to coöperate with the guerilla leaders against the British in South Carolina. In spite of no great victory, and more than one defeat, he was able by his strategy to make the chief British posts untenable, and before the end of the war, the British forces were confined to the two seaports of Savannah and Charleston. The whole series of arduous campaigns in the Carolinas had ended in complete failure for the British.

In transferring the scene of operations to Virginia, Lord Cornwallis was unwittingly preparing for the last dramatic episode of the long contest. The calamity into which he led his army made it easy for Clinton to place the blame upon him. But the general political situation made it necessary to try for a prompt decision, and it is difficult to see what could have been gained by a policy of inaction. American privateers had become more and more troublesome. Insurance had at times risen to ruinous rates. In 1779, John Paul Jones had after a desperate struggle captured two British war vessels off Flamborough Head, and had made his name one to dread even in the North Sea. His ships had found protection in a neutral Dutch port, in spite of the British demand that he be surrendered as a pirate. In the spring of that year, Spain had at last been persuaded to enter the contest on the side of France in the hope of gaining Florida, Minorca, Jamaica, and above all the great fortress of Gibraltar. One year later, all the maritime nations of Europe, under the lead of the shrewd Catharine Second of Russia, had agreed upon an armed neutrality, to enforce against England the doctrine first suggested by Prussia that

free ships make free goods and to prevent the search of neutral shipping by the watchful fleet of England. Preferring open war to neutrality which would deprive her of her carrying trade, England in the closing days of 1780 seized the first pretext to declare war against Holland. Even before war had been announced, the great British admiral, Rodney, captured the Dutch island of St. Eustatius, a mere sand bank in the West Indies, from which the Americans had derived many of their supplies. Thus in 1781, England was at bay, face to face with the anger of the whole world. Even Turkey joined the armed neutrality, which came close to open hostility. If Washington had his difficulties, those of Lord North were scarcely smaller. England's only hope was in the maintenance of her sea power, and one unlucky battle would turn the balance definitely against her. Of her various enemies, only France had a real interest in American independence, but the rest were equally ready to rejoice in England's bitter humiliation.

The American forces in Virginia had been entrusted to the young Lafayette, who now rose to the highest point of his dramatic career. He proved almost as elusive and difficult to capture as Greene himself. There was grave danger that the Americans and the French at Newport would with the aid of the French fleet unite to capture New York. Having failed to destroy the small American army, or even to bring them into a battle, Cornwallis accordingly decided to make his way to the coast just as he had in North Carolina. He marched through Virginia, his march being hastened through the need of supplies, which he hoped to replenish from a British fleet which was expected to meet him. He entrenched himself on the peninsula of Yorktown, from which if the need arose he might be carried to New York.

Washington and Rochambeau had now united their forces before New York, and the welcome word arrived that the French fleet under De Grasse was sailing north and would occupy the mouth of the Chesapeake, close to the camp of Cornwallis. The two generals determined to make a sudden movement to the south and to surround the doomed British general before help could come. It was an intricate and difficult operation, in which everything depended on the perfect coördination of the naval and the military factors. In a time when the only means of communication was by slow sailing vessels, the chances of complete success might well have seemed slender indeed.

But this time all went well, and the difficulties of exact knowledge were fully as great for the British as for the Americans. De Grasse, an admiral of great ability, managed to slip away from the British fleet in the West Indies. Hood pursued him, but made the mistake of bringing only a part of the fleet, and misled as to the destination of the French, made sail to New York, which he naturally thought was the point of danger. He thus passed De Grasse who occupied the narrow mouth of the Chesapeake, and who was soon reinforced by vessels carrying siege guns from Newport. When the British fleet under Graves made its slow way against head winds from New York, it was beaten back by the strength of the well placed vessels of the French. Among the accidents on which the fate of wars to some extent depend, none was probably more important than the gout of the brilliant Rodney, which compelled him at the supreme crisis to leave the command of the fleet to lesser men like Hood and Graves.

Washington conducted his part of the common plan with all the skill which won for him from Cornwallis the half admiring epithet of the "old fox," though this

time, after weary waiting, he was at last running with the hounds. Through his secret agents, and by the disposition of his forces, he led Clinton to believe that he was about to attack New York, a plan which he would indeed have preferred if he had had at that point the necessary naval strength. At the last moment he slipped away from his old lines, and in perfect coöperation with the French, who deserve the greatest praise for complete lack of petty jealousy, he made a rapid march through New Jersey and Philadelphia and by way of the safe waters of the Chesapeake reached the distant scene of operations. Rochambeau not only accepted the leadership of Washington, but personally furnished money to pay the troops and make possible the attack.

Cornwallis was caught between the French fleet and an army more than twice as great as his own, and after waiting in vain for the promised help which could not come, made an ineffective effort to escape across the York River. In the meantime the French and the American lines were making his position hopeless, and an assault by the allies shut him within his inner lines. On the seventeenth of October of 1781, precisely four years after the surrender of Burgoyne, Cornwallis surrendered with his whole army of more than seven thousand men.

When the first dispatch, carrying the news of Yorktown, reached the Secretary of War, Lord George Germaine, he drove with some of his colleagues, to the house of the Prime Minister in Downing Street. A curious friend asked Lord George how North had received the news. "As he would have taken a ball in the breast," he replied; "for he opened his arms, exclaiming wildly, as he paced up and down the apartment during a few minutes, 'Oh God, it is all over,'

words which he repeated many times, under emotions of the deepest agitation and distress." The King, on the contrary, wrote to the chief minister, expressing the hope that no one would think that the great disaster "would make the smallest alteration in those principles of conduct which have directed me in past time." The only evidence of agitation in this letter was the fact that it was not carefully dated, as was usual in the correspondence of George the Third.

But now the country gentlemen who made the backbone of the House turned against the ministry, and on March 20, 1782, Lord North resigned to be succeeded by the Whigs who were definitely pledged to the independence of America. It was the end of the personal government of George the Third, and the real beginning of Parliamentary government, though many changes had yet to be made before the power of the cabinet was complete. Lord North remarked that the King had never signed so insincere a dispatch as the one in which he said that "he was pleased to appoint Lord Rockingham." The chief figure in the administration of Rockingham was the Earl of Shelburne, through whom most of the negotiations with the Americans were carried on, and who became prime minister after the death of his chief in the early summer of 1782.

The position of Vergennes in France was very difficult. France was maintaining great fleets and an army of more than three hundred thousand men scattered in different parts of the world. She had persuaded Spain, in spite of her frank dislike of the American cause, to enter the war in the hope of receiving further additions to her already unwieldy empire. And now those hopes were about to be disappointed. The energetic Spanish commander at New Orleans had indeed been successful in conquering Natchez on the lower Mississippi and

Pensacola and Mobile in Florida. A Spanish expedition from St. Louis had even pushed across the plains of Illinois and captured a British post at St. Joseph on the shores of Lake Michigan, thus introducing a third claimant to the region which had been conquered by Clark and his Kentuckians. But the British garrison in Gibraltar had sustained a long siege with no signs of yielding, and in April of 1782, Rodney destroyed the French fleet of De Grasse in the West Indies in a brilliant battle which six months earlier would have made impossible the decisive movement against Yorktown. Jamaica was now safe, and in October Gibraltar was relieved and secured for British control. The expenses of the war were ruinous, and Vergennes was unable to keep his bargain with the Spaniards. Vergennes was something of an idealist as well as a diplomat of the old school, and was peculiarly sensitive to the honor of France.

How could he satisfy his discordant obligations to his two allies? Spain had long been anxious to make peace by bargaining the independence and the territory of the United States for concessions to herself. But Vergennes had refused to countenance any such solution and had proved a good friend to the United States. At the same time he did not believe that the former colonies had any right to expect much territory west of the mountains, and the French ministers to Philadelphia had made every effort to persuade Congress to moderate its claims in that direction in the interests of an early peace. Spain was insistent that the Mississippi valley should remain under her control. The Americans were equally anxious to carry the boundaries of their new country to that river.

Early in the year, the British Ministry had commenced informal negotiations with Franklin at Paris,



A Map Showing the Division of the West Proposed by France (1782)

trying to draw him away from the French alliance. At that time, before the victory of Rodney, it seems quite probable that the Americans might have received the whole of Canada in return for disloyal action, which would have left France to bear the whole burden of the war. But, of course, such proposals were not even considered. The American ministers had been instructed "to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion."

In all the early negotiations with Richard Oswald, a frank and open minded merchant who had been entrusted with the British proposals, Franklin obeyed the letter and the spirit of these instructions. Vergennes had no objection to separate negotiations, but was anxious that nothing should be definitely decided until he had done the best he could for France and Spain, and from his point of view there can be no doubt that he was entirely correct in this position. Franklin was soon joined by John Jay, who had spent many months in Spain trying to secure a recognition of American independence. In this mission Jay had become convinced of the hostility of that power. He insisted in halting the discussions with Oswald until the instructions of the British commissioner definitely recognized the independence of the United States as a preliminary to all negotiations. In September, Rayneval, an under-secretary in the French foreign office, suggested that the West be divided, the lands south of the Cumberland River to be left to the Indians under the protection of Spain. The region which now constitutes the states of Kentucky and Tennessee should be left to the Indians under

the protection of the United States, and the ownership of the Northwest above the Ohio River should be determined between England and the United States. These suggestions were, of course, distasteful to Jay, and his suspicions not only of Spain but of France were increased when he learned that Rayneval had gone on a secret mission to consult Shelburne in London. On the strength of these suspicions, Jay persuaded the aged Franklin to negotiate without consulting Vergennes, and even to sign a preliminary treaty in the same fashion. There is a story that when Franklin asked Jay whether he would break his instructions, he replied, "Yes, as I would this pipe," and threw the shattered fragments of his clay pipe upon the floor. And whether true or not, this story reveals the attitude of the young diplomat.

Did Jay, as he always believed, gain the West for the United States, or did he lose something which might have been obtained by common negotiations? It is impossible, on the evidence we have, to answer this question completely. By his delay in recognizing Oswald, he probably passed the golden opportunity for very large concessions in the direction of Canada, until the great British victory at Gibraltar had strengthened her hands. The knowledge of division in the plans of the allies was also an undoubted diplomatic advantage to Shelburne. On the other hand, Jay was entirely correct in believing that Spain desired to limit the boundaries of the United States to the narrowest extent, and after the failure at Gibraltar, France was bound to assist her. Rayneval had gone to London to try to secure good terms for Spain, but did not hesitate to tell Shelburne that he thought the American claims were exorbitant.

Vergennes was relieved from a real embarrassment in not being called upon to mediate between his two allies. He probably knew far more about the negotiations than

he ever told, for his secret service was unsurpassed. He was angry for a moment when he heard of the signature of the preliminary treaty, fearing that it meant practically a separate treaty between the United States and England. But Franklin hastened to reassure him, and the Americans made public announcement that no peace would be made by them until all the allies were ready. Vergennes accepted this apology in good spirit, and even made a new loan almost at once to the United States. He congratulated the Americans on securing so much more than he had thought possible. There was nothing in the preliminary treaty contrary to the interests of France, though there was much which Spain did not like. On the whole it is probable that the negotiations were simplified, and real gains were made by the Americans, without any terms to which her generous ally had reason to object. Experience has proved again and again that it is extremely difficult for more than two nations to frame a satisfactory treaty, unless the problems are comparatively simple. In this case, the truth is that the interests of Spain and the United States were not capable of being reconciled.

One of the most curious things about the treaty was the surprising ease with which were settled problems which now appear of vast importance, and the intensity of the contest over others which time has made unimportant. For example, there was the question of the northern boundary with Canada. The original proposal accepted by Oswald in a draft sent to London in October called for a line which commenced at the point where the forty-fifth parallel of latitude cuts the St. Lawrence and ran northwest to Lake Nipissing. A glance at the map will show that this arrangement would have given to the United States what are today the richest sections of central and western Canada. When

some objection was made to this line as somewhat vague and difficult to mark, the American commissioners proposed two alternatives. In one the line should carry the forty-fifth parallel of latitude to the Mississippi, an arrangement which would have ultimately reduced the boundaries of the United States to the extent of thousands of square miles. The other suggestion, which was approved without serious discussion, was to carry the line along the center of the Great Lakes and from there to the Lake of the Woods, a line which was accepted largely because it was easy to describe in terms of natural boundaries.

Having once determined to grant the Independence of the United States, Shelburne made no difficulty over the western boundary along the Mississippi, a matter which gave Spain so much concern. But at each of the three corners, the boundaries were left somewhat vague. In the northeast, the line was made the St. Croix and the highlands between the rivers which fall into the St. Lawrence and the rivers which fall into the Atlantic Ocean. But no one knew exactly what river was meant, or where the highlands were. In the northwest, the line was to run from the Lake of the Woods due west to the Mississippi, a river whose source lies south instead of west, and could obviously never be reached along such a line. More important still, in the southwest, the northern boundary of Florida was fixed along the thirty-first parallel of latitude to the Mississippi, in case Florida was yielded to Spain, but if England retained it in the general treaty, the line was to be fixed far up the river near the present site of Vicksburg. This frank provision against Spain was inserted in a secret article, and was unquestionably unfortunate. Spain did receive Florida, so England gained nothing by the concession, and when the article became known, it naturally threw

the southwestern corner into dispute with Spain. The provision was due to the intense hatred which Jay felt for Spain, and was the only element in the treaty which was not only unnecessary, but inconsistent with perfect candor and good faith. Each of these three problems arose in the diplomacy of later years.

Of all the questions connected with the peace, the one about which both parties felt most strongly was the problem of the dispossessed loyalists, who were largely outlawed pensioners of Great Britain. Shelburne could not abandon them after all the promises which had been made to them by the various British commanders, and it is probable that he would have made most generous concessions in other respects if the Americans had been able or willing to find them new homes in the West, or to indemnify them for their losses. In the long run, it was to be regretted that generous action could not have been taken, for many of the loyalists would have made excellent citizens, whom the new country could ill afford to lose. But such a position is much easier today, than it was at the conclusion of what had been to a very large extent a very bitter civil war; and since the laws confiscating the property of the loyalists had been made by the various States, the commissioners well knew that they could not enforce a general restitution of property, even if they had desired so to do. Even Franklin, whose own son was a prominent loyalist, was bitter against them. The most the Americans would consent to do was to insert a vague recommendation to the various states to have the laws against the loyalists modified to make them consistent with justice. Since these laws seemed to most of the patriotic party already to do something less than the average loyalist richly deserved, this provision meant practically nothing.

After John Adams arrived from Holland in October,

and largely by his influence, the British contention that the old debts which had been due to British merchants before the war should be paid was accepted, and a provision was inserted in the treaty that no laws should be allowed to interfere with the payment of these debts. This provision is notable because it was a definite exercise of national power to the extent of making state laws invalid, and the treaty was enforced against the states by the federal courts after the adoption of the Constitution. Also under the influence of the commissioner from Massachusetts, the Americans received their old colonial privilege of fishing on the coast of Newfoundland, a right which was at the time vital to many a fisherman from New England, and the loss of which had been one of the greatest of her misfortunes in the war.

The news that peace had been made was received with great rejoicings by the common people in both England and America. In Parliament, the terms seemed too favorable, and Shelburne was driven from power, at a time when he was planning a commercial treaty with America. Many a man who had been a loyalist at heart, now forgot that his patriotism had not been equal to that of Washington himself. But to the real loyalists in exile with the armies in New York, Charleston, and Savannah, or living in poverty and eating the bread of bitterness in England, the news was received with a despair so bitter that measures had to be taken to repress outbreaks.

In a typical loyalist diary, one of them had written: "God knows what is for the best, but I fear our perpetual banishment is written in the book of fate; nothing but the hopes of once more revisiting my native soil, enjoying my old friends within my own little domain, has hitherto supported my drooping courage; but that prop taken away leaves me in a condition too distressing

to think of, however, amidst the increasing evils of old age I have this consolation, that, mortifying as my lot is, severe as my sufferings may be, their continuance cannot be lasting."¹

Thousands of the expatriated men and women who had chosen the past rather than the future, left America with the armies, and found new homes in New Brunswick and in Ontario. When a few years later, Australia was made a penal colony, it could be said that Canada and Australia were among the most important by-products of the great civil war which had now ended. From its bitterness and bloodshed, a new republic had arisen to take its place among the nations of the world.

¹ *The Journal and Letters of Samuel Curwen*, New York, 1842, entry for December 31, 1777.

CHAPTER IX

THE CREATION OF A NATIONAL GOVERNMENT

THE American people, at the conclusion of peace, numbered about three millions, of whom six hundred thousand were negro slaves. Slaves and indentured servants were to be found in all the states, but those north of Maryland soon passed laws providing for immediate or gradual emancipation. Maryland and Virginia frankly regarded slavery as a temporary evil, and enacted legislation to prevent the further immigration of negroes, acts which all the leaders of opinion expected to be a prelude to the difficult problem of emancipation. Of the thirteen colonies only South Carolina and Georgia now regarded slavery as finally essential to their welfare.

The one universal occupation of the people was agriculture. Less than three percent lived in towns, and of these even the largest, Philadelphia, contained less than thirty thousand people. As many as one hundred thousand people had pushed west of the Alleghanies, and were rapidly changing from the stage of hunting to that of agriculture in the rich valleys of Kentucky and Tennessee. Maine, still belonged to Massachusetts, and along with the rapidly expanding community in Vermont, claimed at once by three states, constituted a pioneer region essentially western in its outlook. All the states contained new lands recently settled by people who were still in debt, and who desired relief in

the form of stay laws and paper money. If the West is regarded as a social rather than a geographical division, these new and somewhat turbulent communities contained at least half a million people. Taxation fell largely on real estate, and debtors who were unable to pay were commonly placed in jail.

The early years of the war had brought hardships, which continued, as far as the army was concerned, throughout the struggle. But these troubles were largely due to the weakness of the general government and to difficulties of transportation, rather than to general poverty. Actual hostilities touched a very small proportion of the people. * New England was practically free from the immediate effects of war after 1776. Even where the invading armies appeared, they were not an unmixed evil. Both the British and the French brought large amounts of specie which was freely spent. The people had never had so much ready money, and the farmers in the central colonies prospered.

Commerce was indeed disturbed. The fishermen of New England were cut off from their chief occupation, and both people and wealth turned from the sea to Vermont and other western regions. The old trade routes to the West Indies and to England became impossible, but many a shipowner grew wealthy by privateering. Trade was opened with French, Spanish, and Dutch ports which had been closed before the war. The tobacco planters of Virginia found little difficulty in exchanging their staples for articles of luxury, some of which reached them even from England.

With the making of peace, the American market was flooded with English goods which had been awaiting such an outlet, and for a time there seemed to be small difficulty in making payments. But as the supply of French and British gold was cut off, and as the paper

money depreciated until it was worthless, the fictitious prosperity which so often accompanies a war began to decay. The ports which had been open, were now closed. The fishermen could now catch fish, but they were unable to carry their product to the West Indies. England closed her ports to the whale oil of the New Englanders. Merchants found themselves in distress, and prices dropped. Creditors who had been generous in their terms, now remembered their notes and foreclosed mortgages on farms for which the owners could not pay. A severe economic depression had set in which tended to divide the older communities into groups of creditors and debtors. This depression was only temporary. Commerce was already finding new trade routes to Lisbon, to the Baltic, and even to China, but the readjustment took time, and in the meantime, the spirit of discontent rose higher.

Face to face with very immediate difficulties, the two great classes in the community sought relief in different directions. The poor debtor farmers thought that all that was needed was to print paper money to make it easy to pay their debts and to pass laws which should make it impossible for the courts to send them to jail. The men of wealth and education saw in such proposals nothing less than anarchy, and believed that the only remedy lay in the strengthening of the hands of governments, both state and national. They prophesied that with adequate powers of taxation and with authority to encourage commerce, the dignity and prosperity of the nation could be reestablished. Out of this conflict arose at length the Constitution of the United States. The whole situation may perhaps be realized more clearly by comparing it to that which existed at the time of the free-silver campaign of 1896. Each contest took place at the end of a long period of depression, and in

each case the two remedies proposed were not dissimilar. In each a solution was found only after bitter political struggle.

The immediate advantage of position lay with the debtors, who were enabled by the democratic changes which had accompanied the Revolution to gain control of some of the State governments and to issue paper to replace the now discredited Continental bills of Congress. Seven states passed laws of this kind, and among them Rhode Island went so far as to make this money legal tender for private debts, which no one might refuse without fine or imprisonment. One Trevett offered depreciated money for meat to a butcher named Weeden. When the butcher refused to accept this money in payment, Trevett had him arrested. The case was heard before the highest court of the state, which held that the law was void and unconstitutional, being contrary to the principles of justice. Although the judges were not reelected to office, similar decisions were made by the courts in other states, especially New York, South Carolina, and New Jersey. By these far reaching decisions the courts of the various states had assumed the old function of the Privy Council in England to declare legislation void, and had made themselves bulwarks in defence of the rights of property. But in spite of judicial decisions, the process of inflation went on with little check.

The conservative legislature of Massachusetts received many petitions to pass laws similar to the one which we have described in Rhode Island. To all these petitions it turned a deaf ear, and in the meantime the courts continued to enforce the payment of debts in hard cash of which there was now little enough in the community. Mortgages were foreclosed, and many unlucky debtors were sent to jail. The bitterness of the debtors grew with

every foreclosure, and at length in the summer of 1786, mobs appeared at various courthouses and compelled the judges to flee for their lives. In the winter, Daniel Shays, an old soldier of the Revolution, led an armed mob of more than two thousand men to Springfield and threatened to seize the federal arsenal in that city. Bowdoin, the governor of the State, had no funds, but managed to secure voluntary contributions from wealthy merchants in Boston, and with these resources sent a body of four thousand militia against the debtors. Much to the disgust of their leader, the undisciplined mob, face to face with well equipped militia, fled without a struggle. The winter was unusually severe and many perished in the snow. Some escaped to the sheltering hospitality of radical Vermont; many returned unrecognized to their homes. Fourteen of the leaders, including Shays himself, were captured, tried for treason against the sovereign State of Massachusetts, and condemned to death. But the people turned Bowdoin out of office, and elected John Hancock, who promptly pardoned the late rebels. Congress had not dared to call out the militia of the neighboring States for fear that they would join the insurgents, but they did raise a small body of troops on the pretext that they were needed against the Indians.

About the time of the Declaration of Independence the problem of forming local governments in each of the old colonies had been solved with surprising ease. The precedents and the materials had lain at hand from old colonial days. Each of the new states except Pennsylvania was supplied with a bicameral legislature. Although property qualifications for suffrage and for holding office were continued, and although the older eastern sections were usually given more than their share of representatives, the governments were more democratic

than they had been in colonial days. The powers of the legislatures of most of the States were restrained by bills of rights which protected the freedom of speech and of the press. The new state governor was commonly elected by the legislature, and was shorn of his old judicial and legislative functions. He could no longer dissolve the assembly as had been done in colonial days, and in Massachusetts he was not given the right of veto until 1780. But he retained the old command of the militia, was given considerable power over appointments, and was expected to see that the laws were faithfully enforced. Separate judicial departments were set up, to the end that the governments might be governments of laws and not of men. In all these arrangements, many of which were afterward copied in the national constitution, and especially in the separation of powers into three departments, the founders of the constitutions of 1776 were probably less influenced by the theories of Blackstone and Montesquieu than they were by the memory of old contests with royal governors. These constitutions were not so much grants of power, as they were limitations on government in the interests of individual liberty. This idea that governments are limited in their powers even when republican in form found effective expression in the case of *Trevett vs. Weeden* in Rhode Island, and in similar cases in other states.

The states had difficult problems to settle, especially the relative weight to be given to the new and the old sections in such states as Pennsylvania and Virginia, the question of the support of a state church in the South, and the problem of the inheritance of property. Most of these issues were adjusted in a democratic direction. But such difficulties were as nothing compared to the task of organizing a common federal

government. Indeed, it was the failure in finding an adequate solution for this problem which had been the fundamental cause of the War for Independence.

Could vigorous local units, fighting against the mother country for the principle of self government, be expected to yield to any outside authority enough power to insure the success of the enterprise in which they were engaged? Every argument against taxation by Parliament could be pressed by extremists against taxation by Congress. And yet such powers had to be granted if America were to take her place as a nation.

The materials for a federal constitution had not been tried in the crucible of experience like those for state governments. The precedents from imperial control were not likely to meet with favor at such a moment, and the history of the colonies had more examples of jealousy and division than of effective cooperation. True, there was the old and half forgotten New England Confederation of the seventeenth century, but the other schemes for cooperation, like the Albany Plan of Union, had never been seriously considered, and had the appearance of being but visionary schemes. Among the various states there were evident likenesses in language, in race, and in law, but there were also great differences in economic and social conditions, and these differences were increased by the enormous hindrances in transportation. Weeks were required to pass from Boston to Georgia.

Among the various states there were a number of concrete sources of jealousy and suspicion. Of these the greatest was the fact that four of the states had already a greater population than all the rest, and these states, already so great, had almost unlimited claims in the West, which must add still further to their power and prestige.

[The need for some kind of union was imperative, and a few days after the Declaration of Independence, the committee which had been appointed with John Dickinson as chairman, was ready to report Articles of Confederation which were to go into effect when approved by the Continental Congress and accepted by each of the states. These Articles were essentially a league of friendship in which the states surrendered some important powers of common concern.] The agent of this league was to be a Congress, with executive and legislative functions, in which each state might be represented by not less than two nor more than seven delegates, subject to recall by the home state. To this Congress were entrusted the power to make war, to conduct the foreign policy of the nation, to establish postoffices, to regulate the value of the coinage, and to create special boards of arbitration to settle disputes between the various states. For most of its functions Congress required the assent of nine states. By a provision afterward copied in the Constitution, the citizens of each state were guaranteed the privileges and immunities of citizenship in the several states, and each state agreed to give full faith and credit to the judicial proceedings of her sister states.

These provisions insured common action in great crises, and laid the beginnings of a truly national citizenship. But Congress was to be an essentially diplomatic assembly, not so much to make national laws, as to administer common affairs under the laws of the states. Although Congress could borrow money, it must meet the principal and interest of these loans, as well as all the other expenses of the Confederation, by requisitions on the states in proportion to the value of real estate. No power was included to compel the states to honor these requisitions. The power to tax individuals and

to levy customs duties was left entirely to the states. The only courts of the Confederation dealt exclusively with maritime law. Amendments to the Articles of Confederation required unanimous consent of all the states. As is usual in diplomatic assemblies, Congress spoke always to the state and never directly to the individual, and even then it spoke without the tone of authority, for it had no power to enforce its requisitions.

In the stress and the hurry of war the proposed Articles were debated in a leisurely manner for a year and a half. Fortunately, the inherent force of circumstances had already endowed the Continental Congress with some power without the formality of a written constitution. When the Articles of Confederation were finally approved by Congress and submitted to the states, the landless states, of which the chief representative was Maryland, refused to ratify, unless the greater states should yield their somewhat shadowy claims to the great western lands. Maryland lay between the great dominions of Pennsylvania and Virginia, and if these should be allowed to keep the West, they might meet their requisitions by the sale of land while Maryland imposed taxes on her own people and so drove them into the arms of her neighbors. In the critical autumn of 1780, Congress accepted the point of view of Maryland, and passed a recommendation to the states to cede their western lands to the nation. In October of that year, Congress promised to sell the land for the common benefit and to create new states in the West on terms of equality with the original thirteen. The greater states had begun to find that the West was somewhat of a burden as well as an asset, and they contained statesmen of large views who saw the possibilities of a colonial policy entirely unique which would solve forever the problem of expansion. When they

indicated a willingness to make the necessary cessions, Maryland signed the proposed articles, which thus came to be formally accepted in the last year of the war, although they had been virtually in force from the very beginning. Without any substantial change in its composition or powers the Continental Congress became the Congress of the Confederation. To secure this result, Congress had been compelled to assume sovereignty over a great domain, in a manner for which no provision whatsoever had been made in the bond.

After its earliest days, the old Congress failed to command the services of the ablest men, who were drawn like Washington into the army, or like Franklin into diplomacy, or like Jefferson into the service of their states. But it was not the wholly inefficient body it has sometimes been pictured. With functions more administrative and executive than legislative it conducted the affairs of war and of diplomacy with success. The members worked very hard, for Congress acted through committees. At one time, there were more than ninety of these, and every member belonged to many. Later, it was found necessary to appoint special officers to deal with the great departments of finance, of foreign affairs, and of war, which were entrusted to Robert Morris, John Jay, and Henry Knox. In less troubled times and with somewhat greater powers, it is quite possible that these officers might have developed into a true cabinet after the English pattern, acting in close touch with the legislature. The President of Congress was a mere presiding officer, who spoke for it on ceremonial occasions and conducted a large correspondence in its name, but who otherwise had powers no greater than those of other members.

In the period after the treaty of peace, Congress had three real achievements to its credit. It settled a bitter

dispute between Connecticut and Pennsylvania as to the ownership of the rich Wyoming valley in favor of the latter state, and persuaded other states to settle boundary disputes by negotiation. It adopted the decimal system for the currency, a vast improvement over the complicated systems which were at that time general. This solution, it must be confessed, was at the time somewhat theoretical, for Congress had no gold or silver to coin into dollars or dimes, but the system itself survived the failure of the Confederacy. Above all, it persuaded the states to yield their claims to the lands north of the Ohio, and it adopted for that rich domain the original and eminently successful colonial system which provided for indefinite national expansion without seriously straining the framework of government. The Ordinance of 1787 accomplished the very task on which the genius of Shelburne had failed.

In that year a group of shrewd business men in Boston organized a company to buy land west of the Ohio, and General Rufus Putnam was appointed leader of the expedition which was to select the land for the first settlement of the Great Northwestern Territory. His expedition, which started from Rutland, Mass., in 1787, was made up of veterans of the Colonial Army. He founded at the junction of the Muskingum and the Ohio the town of Marietta, named in honor of Marie Antoinette. The Reverend Manasseh Cutler of Massachusetts, a clergyman who was also something of a botanist and who knew how to deal with men, was sent to the Congress in Philadelphia to make the necessary purchase. Congress had no money, and the offer of cash for a commodity of which they had quite too much appealed to the members. At first there was some opposition to so large a sale, but when the President of Congress was offered the position of governor of the

new territory, the chief difficulties disappeared. The company was to receive one and a half million acres in Ohio at a nominal rate of one dollar an acre, but since payment could be made in depreciated Continental securities, the actual cost to the speculators was only nine cents an acre. Cutler congratulated himself that he had signed "the greatest contract ever made in America."

With this sale practically consummated, immigration was likely to start into the Ohio country on a large scale. In a previous ordinance, largely the work of Jefferson, Congress had provided for the survey of the West into townships six miles square, each township to be divided into thirty-six quarter sections. Sales were to be made regularly back from the first set of townships. One section in each was to be set aside for the support of education. To this land system, Congress now added a political system even more wise and generous. The Ordinance of 1787, drafted by Putnam and Cutler and accepted by Congress, under the influence of Washington and Jefferson, prohibited the existence of slavery in the territory or in any states that might later be constituted from it. This Ordinance constituted the foundation of the contention that slavery was not to be permitted to become a national institution.

The land west of the Ohio River was to be divided into not more than five states. In the period of settlement, the powers of government were to be vested in a governor and judges appointed by Congress. But when there were as many as five thousand inhabitants, these were to choose an assembly to make laws for them subject to the approval of Congress, and were to be allowed a delegate in Congress with power of debate but without a vote. When the population of a community reached sixty thousand, each of these groups was promised admission to the union on terms of equality with the older

states. The ordinance also contained a series of agreements between Congress and the future inhabitants of these as yet imaginary states. Most of these were of the nature of the ordinary bill of rights, but two were notable. Slavery was forever forbidden in the new dominion, and the inhabitants of the future states were prohibited from passing any law which impaired the obligation of contracts. The first of these two provisions was adopted by southern votes, partly on account of a real dislike of slavery in Virginia, and also because Kentucky and Virginia had no desire to see rival tobacco plantations across the Ohio River. The second was evidently suggested by the experience with paper money in the various states, and by the importance of the business interests which were involved in Cutler's contract. There can be little doubt that this provision was copied into the Federal Constitution from the Ordinance of 1787, and came from the same group of practical business men who organized the Ohio Company.

Under the wise provisions of this great state paper, Marietta was founded within a year. The Southwest was peopled first and then organized. The old Northwest was organized first, and in this way the process of settlement was made more rapid and easy. For once, at least, a Utopian dream of political imagination became lasting and substantial reality. At the time when the Ordinance of 1787 was adopted, many thoughtful men believed that the time would come when the continent would be the home of several, perhaps many, rival nations. That this prophecy has failed is probably due as much to the liberal provisions of the Ordinance on the political side as it was certainly due on the economic side to the tremendous shrinkage of the continent when it was later welded together by the railroad and the telegraph. In the Constitutional Convention,

which was meeting at the same time that this momentous document was being written, there were those who were jealous of the rising power of the West, and who, like Gouverneur Morris, strongly urged that the western states should never be allowed complete equality with the original thirteen. To Morris one part of the continent should be a motherland, and the rest a colony. The new Constitution provided that Congress should admit new states, but the promise of equality which was the vital feature of the Ordinance was purposely withheld. Fortunately, the practice of the nation followed the more liberal and elastic principle, and the new states were as a fact admitted with all the rights of the original thirteen.

With all its very real achievements, the absence of the power of taxation was a fatal weakness in the Federal Congress. When any one state defaulted in the payment of the requisition which Congress made upon it, others naturally failed to pay for fear of contributing more than their share. The expenses of the government were low, but even these could not be met. When Congress asked for ten millions of dollars as the minimum necessary to meet pressing national obligations, it received only a million and a half. The system was utterly unjust, because it penalized the honest and the patriotic for the benefit of the niggardly and the dishonest. At the close of the war, Congress had no money to pay the soldiers, and only the influence of Washington prevented the cheated army from taking matters into its own hands in a military insurrection. Every year the interest of the national debt was added to the principal, and creditors sold securities to speculators at ruinous rates of discount. Every creditor became an advocate of a strong and honest government.

The federal treasury was chronically empty, and more

than once the minister of finance was reduced to making drafts on our foreign ministers on the basis of loans which they hoped to secure. For a time the Dutch bankers were generous, but finally a draft was dishonored, and John Adams had to make a hurried trip from London to Amsterdam to raise a loan at high rates to save the credit of the country. Congress fully realized the situation, and on two occasions tried to persuade the states to give them the right to levy a small duty to meet the debts of the nation. This unusual grant of power required the assent of all the states. The commercial states derived a large part of their revenue from duties. On the first occasion, Rhode Island refused the desired permission, while on the second New York proved equally obdurate.

The states which happened to contain great ports derived some benefits from their right to levy duties on articles which crossed the state line. The others were taxed for the benefit of their neighbors. New Jersey, without a seaport and lying between New York and Philadelphia was compared to a cask tapped at both ends. Connecticut, North Carolina, and Delaware were in a similar plight.

The merchants had reason to be discontented with the situation. They desired commercial treaties with England and Spain which would allow their vessels to seek the old colonial trade routes, but neither power was willing to treat so long as the right to regulate commerce was entirely outside of the control of the nation with which they were expected to negotiate. When one state raised its duties to compel the British to come to terms, its neighbors promptly lowered theirs, and so gained control of their commerce.

In addition to the creditors and the merchants, a third important group was almost equally dissatisfied. These

were the men who were interested in the development of the West. Washington owned forty thousand acres west of the mountains, and there were many others, especially in Virginia, who had similar interests. But the development of the West was hindered by the presence of Great Britain in Detroit and the other forts along the lakes. Congress had been unable, in the absence of a federal judiciary, to compel obedience to the terms of the treaty of peace by which the old British creditors were to meet with no lawful impediment in the collection of their debts. These old private debts had been outlawed by the states which now refused to change their laws in accordance with the spirit and the letter of the treaty. The great fur-traders of London had come to realize just after the treaty of peace the immense importance of the lake country, and persuaded the British government to make the violation of the treaty a pretext for the retention of the posts along the lakes. From Detroit, Sandusky, and Mackinaw the British collected rich bundles of furs from the Indians and made life dangerous in the whole frontier region.

In the Southwest, the situation was even more menacing. Spain held the mouth of the Mississippi, and maintained a post far up the river at Natchez. She refused to recognize the agreement which had been made between England and the United States that the river should be open to the commerce of both nations. The great rivers were the only means by which the settlers along the Ohio and its tributaries could sell their products. Their flat boats were subject to seizure as they passed down the stream, and their danger was increased by the control which the Spanish in New Orleans maintained over the southern Indians.

There were elements in the East which felt that the West was growing quite too rapidly and would drain

away the population of the older states and cause a fall in land values. The merchants demanded a commercial treaty with Spain, and Spain would not yield on this point without an American agreement to the closing of the river. Caught thus between the devil and the deep sea, John Jay at length yielded, and though his treaty was rejected in Congress, the men of the West felt that they had been sacrificed to make an eastern holiday. Spain fished in the troubled waters, and hired an American soldier of fortune, James Wilkinson, to act as her agent in the Kentucky country. We do not know how far Wilkinson succeeded in interesting the men of the West in a separate republic, but enough was known even in 1786 to show that the situation in the far West required a strong government.

Leaders in Vermont were bitter because Congress did not dare to accept as a separate state that community, claimed by her two neighbors, and there were those who plotted annexation to Canada at the first favorable opportunity.

News constantly arrived of the seizure of American vessels by the Barbary pirates in the Mediterranean, and the nation had no money to ransom the unlucky sailors and no fleet to protect them.

All these difficulties would have been insufficient to compel prompt measures if it had not been for the growth of the radical party with its theories of paper money, and the development of mob spirit of which Shays' rebellion was the outstanding example. Men like Jay in New York and Madison in Virginia had been arguing for years the necessity of a new constitution, and they were now able to bring all the conservative classes of the community together in support of measures which, while correcting other evils of the time, should above all be sufficient to insure tranquillity and protect property rights

Monsieur Louis Otto, the French minister in the United States, watching the situation with the eyes of a trained observer, pointed out the fundamental purpose of the Constitutional Convention in a letter to Vergennes. "Although there are no nobles in America," he wrote, "there is a class of men denominated 'gentlemen,' who, by reason of their wealth, their talents, their education, their families, or the offices they hold, aspire to a preëminence which the people refuse to grant; and, although many of these men have betrayed the interests of their order to gain popularity, there reigns among them a connection so much the more intimate as they almost all of them dread the efforts of the people to despoil them of their possessions, and, moreover, they are creditors, and therefore interested in strengthening the government, and watching over the execution of the laws."

In this letter, Otto had probably underestimated the importance of purely patriotic motives, but there can be no doubt to one who reads the papers of the period that he had touched the mainspring of the movement. Not that there was any conflict between economic and patriotic ideals, for to the members of the Constitutional Convention there was no doubt that the protection of property against mobs was one of the greatest services which any government could render to the happiness of its people.

At the end of the eighteenth century, the class of men whom Hamilton called "the wise, the wealthy and the good" had a much larger influence on public opinion and kept a closer connection with current politics than they have today. They kept in touch with each other by voluminous correspondence, and they had come to a common understanding as to the general outlines of a policy which was necessary to the salvation of the coun-

try. The new government must have a strong executive, it must have the power to check the excesses of democracy in the states, it must be able to regulate commerce and to raise taxes. Whether these leaders came from large or small states, from the North or the South, they had no doubt on these essential points, and they needed only an opportunity to bring their remedies to bear on the evils of the times.

The opportunity was soon found. Maryland and Virginia were both interested in the navigation of the Potomac, and in the development of that stream as a gateway into the West. Commissioners of the two states met in 1785 at Mount Vernon to consider this problem. They soon found that they would need the cooperation of other states, especially Pennsylvania, which commanded the head-waters of that stream. If three or four states needed to meet, why not invite all of them to consider a common commercial policy? The step was essentially revolutionary, for the Articles of Confederation prohibited agreements among the states without the consent of Congress, and Congress was not to be consulted.

The new commercial congress was to meet at Annapolis in 1786, but the most far-sighted leaders did not really desire a mere conference on commerce. Only five states were represented, delegates from some of the others delaying their journeys to make necessary still another convention with even broader powers. The Annapolis convention issued a call for another convention to meet at Philadelphia on the second Monday of May in 1787, to revise the Articles of Confederation. This invitation was sent not only to Congress, but directly to the various states. In answer to this call, Virginia, under the influence of the indefatigable Madison, took the lead, and made a master stroke in per-

suading the leading citizen of the country, in the person of the reluctant Washington, to act as the head of her delegation.

The winter was one of anxiety and very serious disturbances, and the conservative leaders were able to do their work well. The representatives of eleven states which met in Philadelphia were no assembly of demigods, as they seemed to Jefferson in Paris, but they did represent much more than the average intelligence in their communities. With two or three exceptions, the members were men of wealth. The prestige of the assembly was increased by the presence, not only of Washington but of the aged Franklin from Pennsylvania. Rhode Island, under radical control, refused to have anything to do with the assembly, and New Hampshire was too poor to send delegates until late in the summer, when the expenses of the commissioners were guaranteed by the chief merchant of that colony, John Langdon, who was also the head of the delegation.

Especially notable among the members was James Madison of Virginia, a scholar in politics, bashful and unimpressive in person, but a man of untiring industry who always knew what he was talking about, and who, by his virtual authorship of the Virginia plan, which the Convention used as the basis of discussion, by the clearness of his ideas, and by his genius for compromise in questions of detail, undoubtedly contributed more than any other single individual to the great result. Madison took a position near the front, where he could hear every word of the debates, and with a clear understanding of the importance of the occasion, took full notes of the speeches which are today our chief source of information as to the proceedings of the most important assembly in American history.

Scarcely less influential than Madison was James

Wilson of Pennsylvania, a lawyer of great ability, who saw more clearly than any other delegate the importance of recognizing the democratic element in the country in the House of Representatives, if the government was to be strong or permanent. Gouverneur Morris, late of New York and now of Pennsylvania, was a brilliant though somewhat erratic thinker with strong aristocratic prejudices, but who had a genius for concise language, and who, as chairman of the Committee on Style, gave to the phrases of the document their final form. Alexander Hamilton of New York was a member of the Convention, but desired a government which reduced the states to mere departments, and a President and Senate elected for life. Such views were evidently entirely outside the possibilities of practical politics, and Hamilton did not exercise the influence to which his brilliant reputation as a lawyer seemed to entitle him. At this time it was Madison, and not Hamilton, who measured up to the definition of D'Israeli, that "statesmanship is the capacity to discern the possible."

The newspapers of the day listed the delegates, placing first those who had been governors of states, and were entitled to be called "Your Excellency." Then came those who had held other positions, such as members of Congress. And last they placed "Other Respectable Characters." But the list of these was short, and most of the members were able to appeal to practical experiences in the affairs of government in doing their work. It therefore happens that the chief sources for the Constitution of the United States were first the Articles of Confederation, corrected as to their faults in the light of experience, and then in many details the various state constitutions, which had been in turn the result of colonial grievances and colonial experiences. There is accordingly a continuity in the constitutional history of

the United States, down from the first charter to Virginia, which is quite as remarkable and as easy to trace in its own way as the constitutional history of England. It is both true and inaccurate to say that the Constitution of the United States was written during those hot summer months of 1787.

As many as fifty-five delegates were sent to Philadelphia first and last to attend the meetings of the Convention, but these were not all present at one time, and the average session contained twenty-five or thirty members. It was before the days of "open covenants openly arrived at," and until the whole task was completed the general public could only guess what was going on. Indeed, the secret of the debates was kept so well that the details were not known until the publication of Madison's notes after his death in 1836. Washington was, of course, elected to preside, and there are indications that his influence was much more important in the informal conferences which went on among the delegates at their lodgings than the absence of set speeches in the Convention itself would lead one to suppose. The full history of the Convention can never be written until we know much more of what went on in the smaller groups of which it was composed.

The success of the Convention was made possible because there was a fundamental agreement among the members as to the nature of their task before they ever met. It has been customary to contrast the various plans which were submitted, and especially the Virginia plan, which was satisfactory to the large states and the New Jersey plan, which was agreed upon by the smaller states. But it is more instructive to compare them. In each case Congress was given the essential powers to tax individuals and to regulate commerce. Each plan provided for an executive with

power to see that the laws were faithfully executed. Nor did the members of the convention find much difficulty in arranging for a national judiciary, which was expected to give supremacy to the Constitution against the conflicting laws of the states and probably against Congress itself. Similarly, the provisions which prevented the states from making anything but gold or silver a legal tender for the payment of debts, and the one which prohibited every state from making laws which impaired the obligation of contracts, a provision which at the same time was being written by the old Congress at New York into the Ordinance of 1787, were accepted by common consent and almost without debate. And these provisions, about which there was no substantial difference of opinion, were the essential elements of the new Constitution regarded by practical men as an economic document to meet a real economic and social crisis.

On only one vital economic question was it necessary to adjust conflicting interests by compromise. The ship owners and merchants of the North desired to give the proposed government the power to pass navigation laws like those to which they had been accustomed in colonial days and which should give special protection to American ships. The planters of the South, with their export of staples, were inclined to free trade, and although the members from Virginia and Maryland were opposed to the continuance of the slave trade and were even seriously considering emancipation, those from South Carolina and Georgia felt that the further importation of slaves was essential to the increase of their wealth. Accordingly Congress was given the power to regulate commerce and to levy duties on imports, but was prohibited from levying duties on exports, was required to make duties uniform throughout the

United States, and was prohibited for twenty years from preventing the importation of negro slaves. With these safeguards the far South yielded, and all the states lost their old commercial powers, and were prohibited from levying duties without the consent of Congress. In this way the whole area of the United States was devoted to internal free trade.

As to the purely political question, the differences were much sharper and the final document bears in almost every phrase the evidences of compromise. Should the representation in the House be according to wealth or to population? For this purpose, population was made the basis, but negro slaves, who were commonly regarded as a mere form of wealth, should be counted at three-fifths of their number. This was an old arrangement, which had been suggested by the old Congress, as a rough indication of the relative wealth of the various states. Should the President be elected for seven years without being eligible for reëlection, or for a shorter period? These and other problems are examples of what may be called the minor compromises of the Constitution, but none of these questions ever seriously threatened the success of the Convention.

With all the points of substantial agreement among the members, it soon became evident that the vital political problem of the Convention was to adjust in a satisfactory manner the conflicting ambitions of the large and the small states. This problem came up twice, first when the composition of Congress was being considered early in the Convention, and later when it became necessary to arrange for the election of the President.

According to the Virginia or large state plan, Congress was to consist of two houses, based on wealth or population, and the executive was to be selected by the

legislature. The rival New Jersey plan suggested that the new Congress, like the old, should consist of one house in which each state should have a single vote. The dispute became very bitter and seemed at one time certain to end in the dissolution of the assembly. The matter was at length referred to a special committee, of which the diplomatic Franklin was a member. In the final arrangement, Congress was to consist of two houses. The lower house was to be elected by the people of the various states in the same manner as they elected the members of their legislatures, the difficult question of suffrage being thus relegated to the states. The number of members in this house was made proportional to population, counting three-fifths of the slaves, and a census was provided to adjust future inequalities. The Senate, on the other hand, was to contain two members from each state, large and small, to be selected by the legislatures of the several states.

For the selection of the President, almost every conceivable scheme was suggested at one time or another, and in each case the substantial problem was the adjustment of the same issue between the small and the large states. It was proposed that the President be elected by the two houses of Congress sitting together, by the two sitting separately, by the people of the whole United States, by state legislatures, and by specially chosen electors. This last method was finally chosen, largely because it made it possible to compromise the desire of the large states for great power and that of the small states for equality. Each state was to select in such a way as the legislature of that state should direct a number of electors equal to that of the representatives of the state in Congress. In this way even the smallest state was guaranteed at least three electors. The electors of each state were then to meet in

the state capitol and vote for two persons, one of whom should not be a member of the same state with themselves. If any one person had a clear majority of the whole electoral vote, he would be elected President. But the members of the Convention had no premonition of national parties, and they thought such unanimity in thirteen electoral colleges sitting in different cities and influenced by local considerations most unlikely, after the first election in which Washington was sure to be chosen. The result would be that the electors would nominate ten or a dozen men, none of whom approached a majority. From the five highest names on this list, the House of Representatives should choose the President, but for this purpose the delegation from each state should have only one vote. In the expectation of the Convention, the power of nominating the President was weighted in favor of the large states, who would probably select the list of five with high votes, while the small states, would have the final choice, since they would have eight votes against five in the House of Representatives. By the unforeseen creation of two and only two great national parties, one person was except in rare circumstances agreed on by a clear majority in the electoral colleges, and elected without recourse to the House. But whenever three parties of nearly equal strength divide the electoral vote, the election of the President will still fall to the House, as the Constitutional fathers provided. The person who stood next on the list, after the selection of the President, was to be Vice-President, a provision which made an amendment necessary some years later.

With the adoption of these two great compromises, the real difficulties of the Convention were at an end. The new Constitution was to go into effect when ratified by nine states, and the members, most of whom

were only partially satisfied with the result, adjourned after a friendly dinner which gave little evidence that any one foresaw an eighteenth amendment to the document they had just signed. It is fair to say that the influence and character of Washington constituted the controlling factor in bringing the Constitutional Convention to an agreement.

The debates in the various states were long and sometimes bitter. In these state conventions, in contrast with the central body, the fundamental social and economic issue which divided the people into rival classes was dominant. The small farmers and the mechanics were almost unanimous in their opposition, while the clergymen, the lawyers and the merchants were enthusiastic in their support.

The real nature of the objections is suggested in the speech of a rural delegate in Massachusetts: "These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of the Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great leviathan, Mr. President, just as the whale swallowed up Jonah. That is what I am afraid of." And similar fears were expressed in Virginia by no less a man than Patrick Henry.

The friends of the new constitution were unremitting in their energy and zeal. And they had the advantage of position and prestige. Every pulpit and every clever pen was on their side. The vote in New York was especially close, and Hamilton, Madison, and Jay united in writing a series of papers in defence of the Constitution, which for clearness of style and cogency of reasoning

remains to this day the greatest exposition of the Constitution, and perhaps one of the two or three greatest works on politics. And *The Federalist* is only a single example of dozens of similar works which appeared on both sides of the great controversy. When popular education proved insufficient, well known methods of politics were used, as when John Hancock was won to the cause in Massachusetts, by the suggestion that he would be almost sure to be made Vice-President/

The small states had been appeased by the generous provisions for them in the Senate and in the election of the President, but in the larger states, the vote was perilously close. It is probable that without the property qualifications which existed at that time in most states, the Constitution would have failed of adoption. As it was, North Carolina and Rhode Island, in which the paper money party was unusually strong, failed to ratify until the new government was well established, and when they were in danger of being treated as foreign countries.

Was the new government essentially national or federal in its nature? Many years later, in his debate with Hayne, before the debates in the convention had been published, Daniel Webster was to lay great weight on the expression in the preamble to the Constitution, "We the people of the United States," which showed as it seemed to him that from the very beginning the government under the constitution was essentially the creature of a united nation. But this phrase was originally written, "We the people of New Hampshire, Massachusetts, etc.," and was changed by the Committee on Style to its present form, seemingly because it was impossible to determine the names of the states which would agree to ratify the instrument. On the other hand, while the Constitution of the United States

was not adopted by the people of the whole United States, it was not referred to the legislatures, but to special popular conventions. In this way, in the political philosophy of the day, it gained the dignity of a new social compact, which was intended to endure. The states retained great powers, but the Constitution of the United States and the laws and treaties made in pursuance thereof were made the supreme law of the land, and the nation was given the power through the executive and the judicial departments to bring its will to bear on every citizen. The question as to whether a state might or might not secede had not yet arisen, and was left to be settled in a later age when the national strength and national feeling had greatly increased.¹

¹ For the Constitutional Convention in 1787, Farrand, *The Records of the Federal Convention*, and Elliot's *Debates on the Federal Constitution* are, of course, indispensable. Among secondary accounts, McLaughlin, *The Confederation and the Constitution*, Farrand, *The Framing of the Constitution*, and Schuyler, *The Constitution of the United States* are especially valuable. It is interesting to read *The Federalist* in connection with Corwin, *The Constitution and What it Means Today*.

CHAPTER X

THE ESTABLISHMENT OF THE NEW GOVERNMENT

As soon as the new Constitution had been ratified by nine states, the old Congress performed its last important function by arranging the details for the establishment of a new government. Electors were to be chosen in the various states on the first Wednesday of January, were to meet in the state capitols to vote for President and Vice President on the first Wednesday of February, and the new Congress was to assemble in New York on the first Wednesday of March, which happened to fall on March 4, 1789. After the first election, Congress provided for elections in November of the even years. This brought about the curious and unsatisfactory custom by which a new President does not take office until four months after his election, and a new Congress elected in November of an even year does not assemble in regular session until thirteen months have passed. With difficulties of travel and curious apathy after the long struggle in ratifying the Constitution, the time allowed for the inauguration of the new government was quite too short in the year 1789. The new Senate was to contain twenty-two members, for Rhode Island and North Carolina did not ratify the Constitution until after the government had been established. The House was to contain fifty-six members. The city of New York, eager to be selected as the national capital, had provided a Federal Hall.

Since the old government was quite penniless, this arrangement made it possible to commence the great experiment with reasonable dignity.

In April, quorums of the two houses at length appeared, and it was possible for the President of the Senate to count the votes in the presence of the two houses. As every one well knew, every elector had voted for George Washington of Virginia for President. The second votes were widely scattered, but John Adams of Massachusetts had a clear plurality. On the last day of April, 1789, Washington took the oath of office, and commenced the arduous duties of his second great career. He had the dignity, poise, and above all the prestige to make the new government respected at home and abroad. Some of the more democratic members of Congress, like Maclay of Pennsylvania, grumbled at what they regarded as the quite unnecessary formality of his manners and receptions. Although Washington had been accustomed to the easy hospitality of a Virginia plantation, he now consciously endeavored to impress the people with the dignity of his high office. During his first administration, he covered every part of the country in three laborious journeys, twice to New England and once to the South, riding in his own coach and receiving local dignitaries at his tavern. In Massachusetts, John Hancock invited the visitor to his house, but Washington insisted on maintaining his independence, and people smiled to see the wealthy governor of a proud commonwealth hat in hand calling on the President of the United States. The incident was trivial, but it was a symbol of the consistent nationalism of the new President. }

The treasury was empty and it was the first duty of the House of Representatives, then under the leadership of James Madison of Virginia, to secure a revenue for the immediate expenses of administration. The first tariff

bill provided for a small impost of about five percent on the average value of imports. The tariff made some incidental provision for the protection of manufacturers against foreign competition, but in comparison with later measures it may be regarded as essentially a tariff for revenue. In arranging for tonnage duties, special advantages were given to American ships, thus laying the basis for a great merchant marine, and turning the attention of the nation towards the sea. Congress debated each of these measures long, and its critics said that they thus allowed the merchants to import most of their orders duty free, and at the same time gave them an excuse for raising the price of their products to the consumer.

Having arranged for the provision of an immediate revenue, the first Congress now turned its attention to the organization of the judicial department. The Constitution had made definite provision for one Supreme Court, but the creation of lower federal courts had been left to the discretion of Congress. Should federal cases in which original jurisdiction had not been specifically accorded to the Supreme Court be left to the various state courts with an appeal to the Supreme Court, or should there be a separate system of federal courts side by side with the older state courts? The debate was long and bitter, and was decided in favor of a wholly distinct system of courts on the ground that such a system was necessary to give strength to the new government. In passing the Judiciary Act, the first Congress was evidently extending and interpreting the Constitution. In its chief outlines, this measure became as much a part of the Constitution as if it had been written into the original document.

Similarly, Congress laid the foundations for the cabinet of the President in providing for the establishment of the great executive and administrative departments of gov-

ernment. The special peculiarity of the American cabinet is that it is made up of officials who are responsible to the President and not to the legislature. The members hold their office at the pleasure of the President and usually speak only with his voice. This condition was practically insured by the first Congress in the creation of the important department of the Treasury. The Secretary of the Treasury was at first empowered to report plans of revenue to the House, but after debate, which showed much of the old jealousy of executive authority that had been so marked a feature of colonial politics, the powers of that cabinet official were changed from reporting plans to merely making plans. In other words, he was not expected to appear on the floor of Congress to defend the details of his recommendations. The result was to make the effect of executive recommendations indirect rather than direct. It is true that the influence of the first Secretary of the Treasury, Alexander Hamilton, was very great on legislation. But this result was due to the exceptional personal influence which the Secretary possessed with individual members of Congress, and was undoubtedly smaller than if he had been allowed to defend his measures in open debate. As a result of this unfortunate precedent, Congress has been able again and again to spend money for petty local purposes and to refuse to make vitally necessary appropriations in ways which would have been vastly more difficult if executive recommendations had been openly discussed and defended on the floor of the House. By a wiser decision, the unity and loyalty of the cabinet was insured when to the President was conceded the right to remove cabinet officers without consulting the Senate. Though challenged more than once, this power of removal is perhaps the chief source of the peculiar power of the President under the American system.

It had been the undoubted expectation of the Constitutional Convention that the President would be able to use the small Senate as an advisory council, especially in the formulation of foreign policy. Treaties were to be made by the President "with the advice and consent of the Senate." The conscientious Washington took this phrase quite literally, and having made a treaty with the Southern Indians, he appeared in the Senate chamber accompanied by General Knox, his Secretary of War, and armed with the necessary documents and information. It was his evident expectation that the policy would be subjected to discussion and debate in his presence and that a decision would be arrived at with his aid. Much to his chagrin, the treaty was referred to a committee, and after an embarrassing silence, Washington was compelled to withdraw, vowing that he would never come before the Senate again to explain and defend one of his measures. From that time on, the function of the Senate to give advice, in the ordinary sense of the word, practically disappeared from the real constitution of the country. It was replaced by another power, for in considering a treaty with the purpose of consenting or rejecting, the Senate has from the earliest times assumed the power to amend or to adopt amendatory reservations. By this power, which is not directly mentioned in the Constitution and which until very recently has been unique among legislatures, the American Senate has been able to take a positive position. More than once, it has used amendments to modify very profoundly the foreign policy of the country. The whole unexpected outcome is a curious illustration of the extent to which even a clearly written constitution is subject to the influence of historical precedents that affect its meaning as vitally as formal amendments or even judicial decisions.

By the advice of Robert Morris, the financier of the

Revolution, President Washington appointed his old friend and aide de camp, the brilliant young lawyer, Alexander Hamilton of New York, to become the first Secretary of the Treasury. Thomas Jefferson, recently returned from his mission in France, became Secretary of State. General Henry Knox, who had been the artillery commander in the war, became Secretary of War, and Edmund Randolph of Virginia took up the not too arduous duties of Attorney General.

The two leaders were Hamilton and Jefferson, both of whom were willing to give the new Constitution a fair trial, although Jefferson regarded it as too strong while Hamilton would have greatly preferred an instrument which gave wider powers to the national government. Hamilton believed that the use of force is the foundation of all law, while Jefferson had an equally sincere belief that permanent laws should be based on the consent of the governed and on an appeal to the instinctive conception of the people of their own interests. To the essential belief in democracy which characterized the whole policy of his rival Hamilton replied, "All communities divide themselves into the few and the many. The first are the rich and the well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and, however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right." After the outbreak of war between France and England, the sympathies of Hamilton were so clearly with England that his judgment was sometimes clouded. Similarly, Jefferson sympathized with the early philosophy of the French Revolution. It took all the good judgment and poise of Washington to keep the balance true between these two strong men in his cabinet. In spite of all his efforts, each encouraged a newspaper to promote his

policies, and thus in a short time two parties had emerged which were certain to differ on every policy. The discipline and the organization of the two party system changed the meaning of the Constitution in many subtle ways, but especially in taking the real nomination of Presidential candidates from the electors, and giving this important function to the leaders of the party, acting at first informally, then in Congressional caucus, and, after many years, in nominating conventions. In America, as well as in England, a book might well be written contrasting, as Dicey has done for the older country, the "Law and Custom of the Constitution."

Alexander Hamilton, following English precedents, regarded himself not only as minister of finance, but also as prime minister. Washington had great confidence in the young financier, and sympathized with his general point of view. But it is a mistake to assume that the administrations of George Washington were really an administration for Alexander Hamilton. The President listened to advice and often took it. But on all important questions, the decision was finally his own. As a single illustration: In 1792, in his eagerness to gain the good will of England, Hamilton strongly advised that the disputed boundary in the northwest be decided by allowing England to run the line from Lake Superior to the Mississippi. Such a line would in future years have probably cut off all the region which now constitutes the great Northwest. Washington, who had an adequate conception of the importance of the West, promptly vetoed the suggestion of his Secretary.

The first great problem which confronted the new Secretary of the Treasury was the question of the public debt. This consisted of three parts: some eleven millions of debt owed to foreigners, chiefly the French government; about forty-six millions of notes held against

the national government by Americans; and about twenty millions of dollars of debts of the various states, largely the result of expenditures during the war. The whole sum seemed very great in those days. Hamilton advised that the whole debt, which was then quoted at less than twenty-five cents on the dollar, should be funded and paid in full with interest, although he was willing that the interest on a part of the debt should be postponed for a number of years. In this way he hoped not only to establish the credit of the nation but also to bind an important class of financiers and bondholders to the support of the new government. It was unquestionably a statesmanlike and far seeing plan.

The very introduction of Hamilton's plan led to very rapid speculation in the old securities. These were bought up by far-sighted and well informed persons, and promptly rose in value. In Congress there was no objection to the payment of the foreign debt, but under the leadership of Madison a party arose which thought that the domestic debt should not be paid at par but at its value when the money was received by the nation. Madison also believed that the proceeds should be divided between the original and the present holders. In opposition to this plan, the followers of Hamilton objected that it would be impossible to arrive at any agreement between the original and the present holders or even to find out accurately who were the original holders of the debt. As to the assumption of the state debts the objections were even more determined. Massachusetts and South Carolina still had large unpaid debts, while the debts of the central states were small, and Virginia had lately freed herself from a large portion of her debt by the sale of her western lands. Should these states now be asked to pay again in order to clear some less thrifty state from indebtedness? The assumption of the state

debts would require a direct impost on articles like whiskey, largely produced in the far west, and this section agreed with Virginia in its opposition. Some states threatened to withdraw from the union if the debts were assumed, while others argued that they were not less thrifty, but more weak and unfortunate, and that the debts were the result of the disproportionate burden they had carried in the common cause.

The dispute had reached this point when Jefferson reached New York to take up his duties as Secretary of State. Side by side with the debate on assumption the representatives of the various sections of the country were also largely divided on the location of the national capital, a dignity which was being sought by New York, Philadelphia and other northern cities. Hamilton cared little about this rivalry, for having been born in the West Indies he was never able to realize fully the strength of provincialism in the United States. Hamilton and Jefferson had not yet learned to hate each other, and when the two met, Hamilton suggested that he might furnish votes for a capital on the Potomac in return for votes from the friends of Jefferson for assumption. At a friendly dinner, the necessary arrangements were made, and the opposition to both measures disappeared as if by magic. This is an early example of the legislative device called "log rolling," which grew to sinister proportions in later years.

There was doubtless force in the objection raised by the opponents of the measure for the assumption by the nation of the war debts of the states that it brought a serious additional burden upon an empty treasury. Hamilton had, however, the foresight to realize that the large number of men who would, under such a transfer, become creditors of the national treasury, would have a very direct interest in doing what might be in their power

to add to the resources of the treasury and in that way to strengthen the central government.

The concession that, under Hamilton's influence, was made by the northern states in permitting the new national capital to be placed in southern territory, had in later years certain results that, in 1792, could, of course, not have been anticipated. The eastern campaigns of the Civil War were materially influenced, and one may say seriously hampered, by the necessity of defending the national capital. If this capital had, as the northern representatives preferred, been placed on the Susquehanna, the task of the leaders of the northern armies would have been much facilitated and it is probable that the years of the war could have been shortened.

Closely connected with the funding of the national debt was the second pillar of Hamilton's fiscal plan. He desired to create a national bank, with a capital of ten million dollars of which one fifth was to be subscribed by the general government. The bank should be the depository of national funds and should have the privilege of issuing bank notes. A large part of the capital could be subscribed in the new bonds of the funded debt, in this way providing a market for them and being likely to carry their value above par. A measure which embodied the chief features of Hamilton's plan passed both houses and came to the President for his signature. It was challenged by Jefferson on the ground that the Constitution does not specifically grant such a power to Congress. Jefferson argued with ability that the powers under the Constitution must be interpreted rigidly or else that document would lose all vitality as a check on unnecessary exercises of power. Congress had power to levy taxes, to borrow money, and to do whatever is necessary and proper to the exercise of those functions. Jefferson regarded this last phrase as a limitation

rather than a grant of power. A bank is not among the enumerated powers. It is not clearly necessary, and therefore the bill should be vetoed as unconstitutional.

Hamilton came forward as a defender of a liberal construction of national power. A bank is not specifically mentioned. But if it is either necessary or proper, the right to establish such an institution exists under the Constitution. In this opinion, Hamilton foreshadowed the later well-known opinion of Chief Justice Marshall, which added little to the cogency of his argument. Back of the legal difference, and both Hamilton and Jefferson were good lawyers, lay a more vital difference: Jefferson believed with his section that a national bank with branches in the states would become a dangerous monopoly, while Hamilton only saw the evident strength it would give to the national government and the service it would render to commerce. In this case, Washington agreed with the Secretary in whose department the matter lay, and decided to sign the bill.

The tax on whiskey which was involved in the assumption of the state debts caused almost immediate difficulty. The western farmers had learned to make and drink whiskey at the time of the Scotch Irish immigration, and whiskey was rapidly displacing rum as a beverage among the poorer classes and as an article of trade with the Indians. The roads were poor, and many a farmer who could not readily carry his corn to market made a little still and was enabled to turn his grain into his only ready money. Then, too, the West had always objected strenuously to the presence of the tax collector. The Southwest was to some extent appeased by its pride in a great southern president, especially after Washington's compliment of an actual visit to their section. But in the neighborhood of Pittsburgh and throughout western Pennsylvania opposition was general. The tax

collectors were frightened away. In one case, the house of an obnoxious federal agent was burned, and in great mass meetings, the people protested and threatened to rebel. By the year 1794, matters had come to a head. There were in the disaffected region perhaps as many as seventy thousand settlers. There were those who favored the repeal of the obnoxious law, among them Jefferson. But the situation was quite to the liking of Alexander Hamilton. Among the previously unused powers of the President was one to call the militia of the states into the federal service to suppress insurrections. What better opportunity could possibly arise to give vitality to such a provision by immediate use and so end once for all the danger of such movements as the ones which had preceded and led in part to the creation of a new government?

Under Hamilton's influence, fifteen thousand militia were called into national service, and accompanied by the Secretary of the Treasury crossed the mountains. Opposition to the revenue laws had now crumbled. In spite of the desire of the leaders to submit, two hundred men were arrested and carried in triumph to Philadelphia, where two were finally convicted of treason and condemned to death. In spite of the protest of Hamilton, these were wisely pardoned by the President. Hamilton's enemies said that he had taken a meat axe to kill a spider, but he had accomplished his chief purpose in creating a precedent for the use of national force. The new government, not only on paper but in fact, was evidently something quite different from that of the old Congress under the Confederation.

Perhaps the largest and most difficult of the many problems which confronted George Washington was the old one of the frontier. In this general term were included the settlements in the Green Mountain region

whose citizens were seeking admission as a state, but who were kept out of the Union by the jealousy and conflicting claims of New Hampshire and New York. The farmers of Vermont found the chief market for their products by way of Lake Champlain and the Richelieu River to Canada, and the Allen brothers, of whom one was the famous hero of Ticonderoga, were now busily intriguing with England for the recognition of their independence and for free trade with Canada. That problem was fortunately solved when in 1791 Vermont became the fourteenth state of the Union.

Population was moving rapidly into the region west of the Alleghanies. Pittsburgh had become a center of Scotch Irish Presbyterianism. Western New York, cleared of the immediate Indian population by the Revolution, had become a second New England, very different from the older sections of New York in the Hudson valley. Ohio now contained four thousand settlers near the new towns of Marietta, Chillicothe, and Cincinnati. The older community in the blue grass region of Kentucky, made famous by the exploits of Daniel Boone, now contained as many as seventy thousand people. South of Kentucky, in the unbroken forest, there were two island settlements. The newer of the two was at Nashville and, under the leadership of James Robertson, it had grown rapidly and now contained thirty thousand people. Farther to the east, was the oldest western settlement of all on the head waters of the Tennessee, the leader of which was the redoubtable John Sevier, who had taken part in the famous battle of King's Mountain. This Watauga settlement had attempted to set up as independent state of Franklin, but had received scant encouragement from either the parent State of North Carolina or from Congress to whose control the region had been entrusted. Life in the West was constantly

endangered by the Indians. In the South, Spain had never accepted a definite boundary and continued to refuse to allow the products of the West to find their only avenue to the sea by the broad highway of the Mississippi. Seemingly abandoned by the nation, the leaders of the Southwest were almost ready to turn to Spain. Both Robertson and Sevier were in communication with the Spaniards and James Wilkinson of Kentucky was a paid agent of the Spanish government. The leader of the southern Indians was Alexander McGillivray, the son of a Scotch trader whose mother was half Indian and half French. He had held a commission in the British army during the Revolution and was now a Colonel in the army of Spain.

In the Northwest, England still held the important posts along the lakes and controlled the fur trade of the Mississippi valley. In spite of the treaty of peace, the Indians were paid and encouraged by English agents in Canada to resist the advance of the settlers. It was the definite diplomatic policy of England to create a great Indian reservation under her protection between the United States and the Great Lakes, a policy which was not finally abandoned until after the War of 1812. Year after year, distant settlements were visited by the tomahawk and the war whoop of the savages. When federal commissioners sought to reach the western country to make a treaty with the Indians, they were compelled to go by way of Canada and to secure a safe conduct from British officials. Even then they were held on the Canadian side and were not allowed to speak directly to the Indian chiefs. In every raid, the guns, the ammunition, and the scalping knives had been obtained from the authorities in Canada.

In the attempt to secure an adjustment of the difficulties, Washington first tried diplomacy. He called

the crafty McGillivray to New York, where the Indian chieftain was made a General in the American army and bribed into signing a treaty of cession for some of the disputed lands. It was this treaty which had tested the use of the Senate as an advisory council.

In the Northwest, the ambitions of the settlers were too great for diplomatic solution. A military expedition under General Harmar entered the Indian country but was compelled to retire without winning any decided advantage. In the next year (1791), General Arthur St. Clair was given an army which was made up for the most part of militia enlisted for only six months, and which was therefore totally inefficient. In spite of all the warnings of Washington, St. Clair fell into an ambush and his forces were almost annihilated. It was a repetition of the story of Braddock.

The tide now began to turn. In the Tennessee country, the settlers took matters into their own hands and by defeating the Indians in 1793 supplemented the diplomacy of Washington. In the following year, an efficient army, under the able leadership of "Mad" Anthony Wayne, pierced the heart of the Indian country, and in the very shadow of a new English fort on the Maumee near the present city of Toledo, defeated the Indians in a campaign which ranks in historical importance with King Philip's war and with Sullivan's raid against the Iroquois.

In the meantime events had taken place in Europe which were profoundly to affect the history of the American people for the next twenty years. Within two weeks of the inauguration of the first American President, the fateful meeting of the States General had brought to an end the personal government of Louis XVI. The increasing radicalism of the leaders of the French Revolution had been looked upon with profound

distrust by the statesmen in other European countries, until at length, in the autumn of 1792, France stood at bay, surrounded by a ring of enemies. After the execution of the King in 1793, England had joined the war. On an April day in that year, the cabinet of Washington learned that England and France were at war, and that a minister of the young republic had landed in Charleston and could be expected in Philadelphia, now the temporary capital, within a few weeks.

The situation was highly embarrassing. France was the ally of the United States, and had always been referred to under that title by President Washington. In a time of profound peace, such a title might mean little. But the treaties with France looked to the possibility of war and appeared to constitute an "entangling alliance." These treaties provided among other things that the United States should aid France in maintaining her possessions in the West Indies, that the United States should admit into her ports the war vessels and privateers of her ally with their prizes and should exclude those of her enemies, and that each power should accept the principle that free ships make free goods. The literal obedience to the letter and the spirit of the treaty would almost certainly involve the United States in war with England, a war for which the situation in the western country furnished substantial grounds. But the credit of the nation had just been established by a tax on imports, and the single attempt to collect internal duties was even then involving the administration in a contest against open rebellion. Three fourths of all the imports of the United States came from England, and in the event of war with that power, the national revenue would sink to almost nothing. These were considerations which appealed with special force to the Secretary of the Treasury, the whole fabric of whose financial plan de-

pendent on the preservation of peace. On the other hand popular sympathy was largely with France, whose services in the Revolution had not been forgotten and which seemed to be fighting in Europe for the cause of freedom.

Were the old treaties still in force? Washington raised this question with his cabinet, but found the members equally divided. Hamilton argued that since the treaties had been made with the King they did not apply to the new republic and could be considered abrogated. Jefferson took what is unquestionably the correct position that the treaty obligations of a nation continue in spite of changes in the form of its government. This fundamental question was left in abeyance. France did not desire to force the United States openly into the war, because she thought she would gain more from a friendly neutrality, and when Genêt arrived it was found that France was willing to waive the right to the protection of the West Indies. As to the immediate policy, the whole cabinet was in unanimous agreement. It was decided to proclaim the neutrality of the United States in the war but to receive the new minister and so recognize the de facto government which had been created.

The subject of this cabinet discussion was Edmond C. Genêt. He was young in years, but an experienced diplomat and by no means the knave and the fool which he has sometimes been represented. Landing in a section of the country that still remembered with bitterness many incidents of the late war, he fully expected to receive equal sympathy for the cause of France from the national administration. He proceeded to set up a French prize court in Charleston and to organize a group of several thousand men for an attack on Spanish Florida, at that time a colony of one of the enemies of France. He had already accepted the offer of George Rogers Clark, the hero of Vincennes, to lead an expedition from Kentucky

against New Orleans, and Genêt sent Clark a commission as the Lieutenant General of the armies of France west of the Alleghanies. The French minister fully expected Hamilton to furnish the necessary funds for these enterprises in the form of advance payments on the debts due to France. He also gave commissions to privateers, manned by Americans, to prey upon English commerce.

Three weeks after the proclamation of neutrality, and after a triumphal journey which greatly encouraged him in his views, Genêt finally arrived at the temporary capital of the nation. He was received in a formal fashion by Washington and had pleasant friendly interviews with Jefferson. But he found that Hamilton had no intention of supplying him with the necessary sinews of war. When he attempted to send out privateers and to condemn vessels which had been captured within the waters of the United States, he was met with a theory of neutrality, at that time novel, but which has now become accepted international law. Jefferson was at his best in drawing conclusions from general principles, and he desired peace as greatly as Hamilton, though for different reasons. In a series of very able notes, the Secretary of State argued that every nation has a right to prevent others from performing acts of sovereignty within its limits and that when that nation desires to be a neutral, the right becomes a duty. Jefferson was known to be friendly to France, and he never performed a greater service to the United States than when he wrote in favor of neutrality in the face of the opposition of many of his political friends.

When in spite of these protests, Genêt insisted on sending out his armed vessels and when he threatened to appeal over the head of the administration to the people, his recall was promptly demanded. The party to which Genêt had belonged had now in the kaleidoscope of

revolution fallen from power, and their successors not only acceded gladly to the American demand, but asked to have Genêt sent back to France for trial, where his fate could not have been in doubt. This last request was refused by Washington, and the young Frenchman remained in this country to marry the daughter of George Clinton, and to found a well-known American family. At the same time, Gouverneur Morris who had made himself obnoxious in France by his frank royalist sympathies was recalled and replaced by James Monroe. A serious crisis had been safely passed, and the law of neutral duties had been written for the first time clearly into the practice of the nations by an American Secretary of State.

In the meantime, the American shipowners had taken advantage of the war rapidly to extend their commerce, and to capture a large part of the carrying trade which had been in the hands of the English. England not only excluded American ships from her own West Indies, but stopped vessels carrying wheat to France on the ground that food stuffs were contraband of war. By an Order in Council, issued without any warning, hundreds of American ships trading with the French West Indies were seized as enemies and their crews imprisoned in the tropics. When news arrived that Lord Dorchester, the Governor of Canada, had made a warlike speech to the western Indians, encouraging them to resist aggression, war with England seemed unavoidable. As a last resort, Washington sent the Chief Justice of the Supreme Court, John Jay of New York, to arrange the settlement of the various points in dispute. England was now aware of the seriousness of the struggle in which she was engaged and had no desire to add to the number of her enemies. But the diplomacy of Jay was weakened by private interviews between Hamilton and the English

minister in America, in which the American, overanxious to conciliate, assured Hammond that there was no danger that the United States would make common cause with European neutrals or even pass retaliatory legislation against England. These interviews were well known to the British foreign office but unknown to Jay, who was compelled to accept terms which even his friends found very unsatisfactory. The treaty was signed in November, 1794, and sent back to America.

Washington was deeply disappointed, but after all the treaty did settle immediate problems and seemed to be the only way to peace. He decided to send it to the Senate for their approval. England had agreed to give up the western posts in 1796, and to make payments for unlawful captures in the past. But she made no promises for the future, and Jay agreed to regard food stuffs as contraband in spite of the doctrine, on which the United States in common with other neutrals had insisted, that free ships make free goods. Since such a provision occurred in the old treaty with France, the new agreement obviously placed France at an unfair disadvantage unless she repudiated her own treaty with the United States. Nothing was said about the impressment of sailors which was rapidly becoming a major grievance. Above all we promised to admit to our ports English privateers and war vessels, a provision which no words could reconcile with the precisely opposite promise we had made to France. England opened her ports in the West Indies to small American vessels, but coupled this concession with the demand that no discrimination should ever be made against British vessels by tonnage duties in American ports and that the United States should never export sugar and cotton from her own ports. Jay had done as well as he could, but the Senate showed that they could do better when they amended the treaty by leaving

out the article which contained this ruinous promise. The English minister protested against the entirely unusual amendment by the ratifying body, but accepted it, and thus established beyond recall the power of the Senate.

The treaty had now been published and caused a storm of protest in the United States. To carry its provisions into effect, legislation was necessary in the House of Representatives. This body demanded the copy of the instructions to Jay and the other papers, but Washington refused on the ground that the treaty was now the law of the land and was no longer subject to debate. The necessary laws were passed as a result of a brilliant speech by Fisher Ames of Massachusetts in which he pictured in glowing language the horrors of war. He was said to have won the greatest forensic triumph of his generation.¹

What seemed an inevitable war with England had been postponed, though not permanently averted. France had accepted cheerfully the policy of neutrality and the dismissal of Genêt, but when the details of the new treaty arrived, and when the popular James Monroe was recalled for too great friendliness to the Convention, the rulers of France felt that they had a real grievance, as indeed they had. France refused to receive the new minister, C. C. Pinckney, and in retaliation for the British seizures of vessels loaded with food stuffs for France, began to capture American vessels with food for England.

In the meantime, the second administration of George Washington had come to a close, and the great President had retired to the desired seclusion of his Virginia planta-

¹ This account is largely based on Bemis: *Jay's Treaty—A Study in Commerce and Diplomacy* (1923), which throws much new light on the diplomacy of the period, and especially on the relations of Hamilton to the conduct of foreign relations.

tion. Both Hamilton and Jefferson had resigned from the cabinet after performing services to the nation which can scarcely be overestimated. But each remained the head of a party. For the first time, in 1796, the Presidential election was a definite party contest. The candidates of the Federalists were John Adams and Thomas Pinckney, who had won a measure of popularity by negotiating an important treaty with Spain in which that power, now listed among the allies of France, agreed to accept the thirty-first parallel of latitude as the northern boundary of Florida, and above all to open the Mississippi to the trade of the West. Thus when Washington retired, the credit of the country had been firmly established, the nation had adopted a wise policy of neutrality, and aided by European complications, had been able to solve the most pressing problems of western expansion. Only in France did a black cloud loom on the horizon.

The Republican candidates were Thomas Jefferson and Aaron Burr. According to the electoral procedure in the original Constitution, each elector voted for two candidates without designating which he desired for the higher office. But on account of the strength of party feeling the electors had lost most of their personal freedom of choice and were expected to vote for the party candidates. Thus, by a mere custom, which still persists, the Constitution had been virtually changed. Alexander Hamilton did not have sufficient popularity to become a candidate, but he feared the election of Adams whom he knew he could not influence. He therefore made an effort to have Pinckney elected as President and Adams as Vice President. The result was a division in the party which gave to Adams only a narrow majority of seventy-one votes against the sixty-eight secured by Jefferson, and which from the beginning embittered the personal relations of the two great Federal-

ists. Adams was a fearless and independent man who had rendered great services to the nation at the time of the Declaration of Independence and later as a diplomat in Europe, but even his friends acknowledged that he lacked political tact. He made the initial mistake of retaining the old cabinet of Washington, which under the leadership of an extreme Federalist from Massachusetts, Timothy Pickering, kept in close contact with Hamilton and acted constantly on his advice rather than on that of their titular leader, the President of the United States.

Many of the old Federalists would have welcomed war with France on the side of the conservative social forces which were represented by England. But Adams followed the same policy of conciliation and neutrality which had been inaugurated by his predecessor. He appointed at once a special mission of three Americans to try to do in France what had been done three years before in England by John Jay.

In France, much of the old idealistic enthusiasm which had marked the early years of the Revolution had now disappeared, and the government had fallen into the hands of a corrupt group of officials who made up the Directory. The leader of this group was the former Bishop of Autun, the shrewd, able, and entirely unscrupulous Talleyrand. Talleyrand had travelled in the United States at the time of the inauguration of the new government and was convinced that the Americans were cowards who would always be willing to buy peace rather than to fight. When the three Americans, Pinckney, Marshall, and Gerry, presented themselves in Paris seeking the formal abrogation of the embarrassing treaty of alliance and the protection of their commerce, they were received with insulting coolness. Talleyrand had some very real grievances, which have usually been overlooked

by American historians, and on which he might have made his stand with dignity. But he threw his whole case out of court, by hinting for a bribe through unofficial agents whose anonymity was later preserved when the correspondence was published in America as from Messieurs X, Y, and Z. The substance of these insulting communications was that the United States might have peace with France for a secret personal gift to the members of the Directory. The suggestion was indignantly refused and two of the Americans withdrew at once from France (1798).

The publication of the correspondence which had just arrived from Paris destroyed overnight much of the old sympathy for France. Congress passed measures which looked to war. An army was to be created under the leadership of Washington. Washington refused to take the nominal command unless the active control should be given to Alexander Hamilton, who believed that he would prove as great a general as he had been a minister of finance. Much to his chagrin, President Adams, who would have preferred as commander his old friend Henry Knox, was compelled to accept this decision. Merchant ships were allowed to arm and to defend themselves against French attacks, and the small navy of the United States was ordered to protect the commerce of the country. As a result of these measures, without any formal declaration of war, a series of duels occurred between American and French ships in which the young navy gained much experience and some glory, and inflicted heavy losses on the commerce of France.

Hamilton took up his new military duties with eagerness and with his usual energy. He raised and drilled troops, he planned the fortification of the seaports, and he consulted with the South American revolutionist Miranda as to the possibility of a war against Louisiana

and the other colonies of Spain, which was now an ally of France. Hamilton unquestionably desired war with France as eagerly as he had desired peace with England. He did not believe that the policy of neutrality could be permanent in the face of a general European war. He agreed with Edmund Burke, that the theories of the French Revolution were likely to spread and to destroy the safeguards of society. He saw that nothing would do so much to weaken the old feeling of allegiance to the states in contrast to the nation as a successful foreign war in defence of the national honor. Above all he thought the moment had now come to annex the mouth of the Mississippi and to make the United States the dominant power in the two Americas. And from his point of view, which was essentially the point of view of European diplomacy, there was much to be said for his position.

Talleyrand had been deeply grieved at the publication of the correspondence. He had hoped to get some money, and he had not foreseen the hornets which he had aroused about his ears. In the meantime, a previously unknown young General, Napoleon Bonaparte, had won brilliant victories in the valley of the Po, and had at Campo Formio dictated peace to Austria on his own terms. He had returned to France a national hero able to capitalize the forces of the Revolution to his own ends. War with the United States did not fit into the plans of the First Consul. Talleyrand, the master, had now become the servant of a military chieftain.

John Adams did not look with sympathy on the imperialistic plans of Alexander Hamilton. He had said that he would never send another minister to France until that country promised openly that he would be received with the dignity due to the representative of a great, free people. But now, when he heard indirectly through our minister in Holland, that France was ready

to treat, he determined to make another effort for peace. Recognizing at last the treason in his cabinet, he did not consult its members or any other of the friends of Hamilton, but sent in to the Senate at once the name of Murray as special envoy to the French Republic. The friends of Hamilton were aghast at this blow to their plans and, as they saw it, to the national honor. But they had to accept the inevitable. Adams was persuaded to add two names to his list, and in this form, and with the aid of Republican votes, his project was ratified by the Senate. The new ministers were received with all proper respect and the new government of Napoleon entered into a treaty which conceded everything that the Americans had demanded. John Adams, with characteristic independence, had placed country above party and had performed what he always regarded as his chief service to the nation.

Face to face with an opponent thus divided, the Republicans, under the able leadership of Jefferson, had found a campaign issue entirely to their liking. In the midst of the war fervor of 1798, the Federalists had pushed through Congress a series of measures which seemed to their opponents to threaten the whole foundation of personal liberty in direct violation of the spirit of the first ten amendments to the Constitution. By the Alien Law, the President was empowered to exclude or to dismiss from the country any alien whom he considered dangerous to the national safety, and that without the formality of trial. The period required for naturalization was extended from five to fourteen years. By the Sedition Law, the publication of any statement which might bring the national officers into contempt was to be punished by fine and imprisonment. The new West, where two states, Kentucky and Tennessee, had been created in the administration of Washington, was espe-

cially dependent on foreign immigration for its development and jealous of laws that attacked the freedom of the individual. Jefferson had no difficulty in securing the passage of resolutions by the legislature of Kentucky, that were later substantially readopted in Virginia, and which pointed out the dangers of the new laws. So far he had done wisely, but in the Kentucky resolutions, there were expressions which seemed to make the states the final arbiters of the validity of laws and that were not only quite unnecessary at the time, as the event was to show, but which became precedents in a later day for the fully developed theory of nullification as it was finally promulgated in 1831 in more precise form by Calhoun.

The election of 1800 was close and bitter. The candidacy of John Adams was weakened when a letter from Hamilton fell into the hands of Burr, in which Hamilton pointed out all the mistakes that he thought Adams had made, and at the same time advocated his election! Burr managed to gain control of New York for the party which had now begun to call itself Democratic, and when Charles Pinckney turned the old Federalistic stronghold of South Carolina from its former allegiance, the doom of the administration was sealed.

This time, party discipline was perfect and no elector had thrown away a vote. As a necessary result the two Democratic candidates, Jefferson and Burr, had precisely the same number of votes, and for the first time, the election was carried into the House of Representatives, where each state had a single vote in determining the tie.

In spite of the fact that the Federalists had lost the election, they held the balance of power in Congress, and under these peculiar circumstances it fell to the lot of the leaders of that party, and especially to Alexander Hamilton, to make a choice of evils. Much as he disliked Jefferson, Hamilton recognized his essential patriot-

ism and integrity when the nation was involved. He not only disliked but distrusted Burr. Accordingly enough Federalists abstained from voting in state delegations otherwise friendly to Jefferson, to throw the election to him. Thomas Jefferson would have been more than human if he had forgotten the attempt of Burr to gain the election in a party of which Jefferson himself was the clearly recognized leader. Nor did Burr ever forgive Hamilton for his own defeat.

As a result of this important election, the twelfth amendment was adopted by which electors vote for President and Vice President. Today, of course, the election can only fall into the House when no one of the candidates for President in the different parties secures a clear absolute majority of the electoral votes. There can never again be a tie between the two candidates of the same party.

The capital had now been changed to the new City of Washington, created for the purpose. In the closing days of his administration, John Adams had appointed his Secretary of State, John Marshall, to be Chief Justice of the United States. The old President could not bear to remain to see the triumph of his rival, and rode sorrowfully away, as Thomas Jefferson walked up the hill at the beginning of a new era in American history, to seat himself for the inauguration ceremony between John Marshall and Aaron Burr.

CHAPTER XI

JEFFERSONIAN DEMOCRACY

THE inaugural address of Thomas Jefferson was a statement of his political philosophy, for the new President was essentially an eighteenth century philosopher who always sought to base action on well considered and adequate principles. Hamilton, who had never been in Europe, was European in his point of view, while Jefferson, who had spent some of the best years of his life at the most aristocratic court in Europe, distrusted European diplomacy, and hated all the outward pomp which accompanied a European court. America, according to Jefferson, was to play a new rôle in the history of nations in which the individual should be as little trammelled as possible by the interference of the state. The chief function of government was to restrain men from injuring one another, and its chief test was frugality and economy. Jefferson's foreign policy was to be based on "peace, commerce, and honest friendship with all nations, entangling alliances with none." Under the mild influence of this beneficent government, he doubtless hoped that the bitterness of party animosity would soon disappear. "We are all Federalists, we are all Republicans." To the strength of government only one thing was essential, absolute obedience to the will of the majority, an idea which even a philosopher might have found it difficult fully to reconcile with certain campaign

documents called the Kentucky and the Virginia Resolutions. But in the mouth of Thomas Jefferson on that March day in 1801, these ideas were no mere platitudes but real principles of action, which he and his friends sought to carry out during all the storms of a great European war. It was the honesty of this effort in the midst of difficulties which lends so much dignity to the figure of the tall, red-haired man who now became the third president of the United States, just as it was the failure of his peaceful policy in 1812 which gives to it a certain real pathos.

The cabinet of Thomas Jefferson, like that of Washington, contained two men of ability and even genius. But unlike the two great rivals in the first days of the new government, both of these agreed fundamentally with one another and with their chief. James Madison, the new Secretary of State, was a man of small stature, being only five feet six in height. He had won renown even then as the Father of the Constitution. Without the capacity for prompt decision which characterizes the great executive, he was always at his best in carrying out the policies that originated with the President. The third member of the Republican triumvirate was Albert Gallatin, a descendant of an old and distinguished Swiss family, who had arrived in the new world in the closing year of the Revolution, and who, in spite of his aristocratic traditions, had identified himself with the democracy of western Pennsylvania, where he had bought land on the Monongahela. Aided by the great prosperity which came to the United States as a neutral in the early years of the European war, Gallatin was able rapidly to pay off the debt of the nation which he had reduced by more than half in the years in which he acted as Secretary of the Treasury. In the interest of economy, Gallatin inaugurated the system of detailed appropria-

tions by Congress instead of appropriations in lump sums which had been the previous practice.

Jefferson's most striking personal characteristic was a certain genius for friendship. In spite of his dislike for executive domination, he not only retained the friendly affection of the leaders of his cabinet, but was able to control the policy of Congress to such an extent that every policy was always essentially his own. He was a consummate politician, and he succeeded in building up a party which gained elections even in the old Federalist strongholds of Massachusetts. Instinctively, the great masses of the common people recognized the sincerity of his belief in their goodness and wisdom, and repaid him with a loyalty which very rapidly reduced his opponents to the condition of local factions.

Only one of the three great departments of government refused to bow to the leadership of Thomas Jefferson, and that was the judiciary presided over by his cousin, lately Secretary of State and now Chief Justice, John Marshall of Virginia. Two years after the inauguration, in the great case of *Marbury vs. Madison*, Marshall laid down for the first time the principle that even an act of Congress is void if the Supreme Court finds it to be contrary to the Constitution. This power had been discussed in the Convention but not specifically provided for in any section of the Constitution. Marshall derived it as a necessary implication of the phrase which made "the Constitution of the United States and the laws and treaties made in pursuance thereof the supreme law of the land." The foundations for this great exercise of judicial power had been laid in colonial times by the custom of judicial review of colonial laws in England, by the now forgotten English idea of a superior law, by the eighteenth century notion that laws contrary to "natural rights" are void, and by the early practice of some of the state

judiciaries after the Revolution. But in spite of all precedents, and in spite of the fact that the power was not again exercised over a law of Congress for more than fifty years, it ran counter to the Jeffersonian doctrine of the essential sovereignty of the popular will when expressed through the duly elected representatives.

Especially after this decision, Jefferson regarded the federal judges, appointed for life and incapable of removal, as a body of "sappers and miners," constantly ready to work in the dark to thwart the will of the people. The Federalists had passed a judiciary act which increased the number of judges. One of the first deeds of the Republicans was to repeal this act and thus to remove a number of judges from office by the simple expedient of destroying the positions to which they had been appointed. Some of the judges had been highly indiscreet in the late campaign and had virtually made political speeches in the guise of charges to grand juries. They had taken the greatest pleasure in the enforcement of the detested alien and sedition laws, especially against political opponents. How could such judges be punished and the whole department be made consistent with democratic sovereignty?

For this purpose Jefferson and his friends determined to make use of the only available weapon of impeachment. They regarded impeachment as a mere inquest of office, and not a trial for high crimes and misdemeanors. In other words it was to be a political weapon, similar in general purpose to the more modern idea of the recall of officers. As a test case they found a judge in New Hampshire, one Pickering, whose conduct had been particularly disgraceful. It was proved against Pickering that he had made decisions while under the influence of liquor. In spite of the rather pitiful plea by members of his family that he was insane, he was impeached by the House, found guilty by the requisite majority of the

Senate of high crimes and misdemeanors, and removed from office. The Jeffersonian party now became bolder, and attacked a member of the Supreme Court, Justice Chase of Maryland, an extreme Federalist who while on the bench had taken an active part in politics. Chase was himself an able man and he was brilliantly defended by the most eminent counsel of the day. They found it possible to persuade the Senate that they were a court and not a legislature, and that they were to try Chase according to the forms of a law court. The prosecution was handicapped by the complete lack of legal ability on the part of John Randolph who represented the House in the trial. As a result Chase was acquitted, and Jefferson was compelled to admit that impeachment was too cumbersome a weapon for use in the removal of officers or judges who were not guilty of actual crimes. The acquittal of Chase did more than any other single thing to establish the independence of the federal judiciary, for if that prosecution had succeeded there is strong reason to believe that others would have followed, including that of John Marshall himself. The judges contributed to their own independence by learning the lesson of abstaining from the bitter conflicts of current politics.

Thomas Jefferson took office in 1801 under serene skies. The Federalists had arranged the most pressing problems by their treaties with England, with Spain, and finally, in the closing days of their control, with the rising power of Napoleon. Only along the north coast of Africa, occupied by a group of semi-piratical states, had their diplomacy failed in doing more than to buy a costly and temporary truce. When the ruler of Tripoli cut down the flag before the office of the American consul and insulted the American naval commander by requiring him to carry despatches to Constantinople, Jefferson decided to resist. The war dragged out for four years in

which the officers of the small American fleet had an opportunity to perform many deeds of daring. The end of the contest was hastened by an intrigue. William Eaton, an American soldier of fortune, found the deposed brother of the Basha of Tripoli living in exile in Egypt. With considerable difficulty, Eaton persuaded Hamet to try to win his lost throne and his confiscated harem. A nondescript army made up of the offscourings of many nations started under the leadership of the indefatigable American on the long march across the desert. Before they could attack the fortress of Tripoli, the ruler decided to make peace with the blockading Americans. Eaton was left in an embarrassing position. His expenses had been heavy and he was scarcely comforted when Congress voted him a sword and a vote of thanks for his services. At the time when he offered evidence against Burr, Eaton was finally voted an appropriation of ten thousand dollars. The peace with Tripoli, in 1808, which was secured by the gift of a frigate built in America, proved to be only a truce, and the pirates of the North African coast were not finally brought into complete submission until the close of the Napoleonic wars in 1815.

Napoleon had made peace with the Americans in 1800 for purposes of his own. Under the inspiration of Talleyrand, he was dreaming of the reestablishment of the lost glories of the French colonial empire. At the very time when Jefferson was expressing his hope for peace and commerce with all nations, the new master of France was negotiating a secret treaty with Spain by which the King of Spain promised to return Louisiana to France in exchange for the Kingdom of Tuscany in Italy. In October, 1801, preliminaries of peace were signed with England and the seas were reasonably safe for the great enterprise. The negroes of San Domingo had been made free during the early idealism of the French revolution

and had made their freedom good under the leadership of the half savage but able Toussaint L'Ouverture. From the European point of view, the prosperity of the island had been destroyed and its deep soil no longer furnished the sugar which had once made it the most lucrative possession in the colonial world. With peace assured, Napoleon sent an army to reduce the negroes to slavery and reestablish a plantation system, which should find in French Louisiana the source for its staves and wheat. The plan was well conceived for a colonial empire which should be self-sufficing according to the best traditions of the mercantile system. For the economics of Napoleon were naïve and old-fashioned, and he held in common with most statesmen of his generation that a purchase from a foreigner is always a loss.

At first all went well. The negroes were defeated and betrayed by their own leaders, and Toussaint himself was tricked into surrender, and relying on the word of honor of a man strangely like himself, was carried to a miserable death in a dungeon in the cold climate of the Jura. But the negro chieftain had found an avenger, and news arrived that ten thousand French soldiers had succumbed not to the dangers of a savage war but to the dread pestilence of yellow fever. The peace of Amiens had proved to be a mere truce, and everyone knew early in 1803, that war would soon break out, and that this time it would be fought by the two great antagonists to the bitter end. The colonial enterprise had been terribly costly in both treasure and human life, and had brought no adequate return. Napoleon needed money, and when he made a mistake he was no man to sigh over a lost opportunity.

In the meantime the Spaniards, who had not yet yielded actual possession of the princely domain which Napoleon coveted, had allowed the secret of the treaty to

leak out. The news was very disturbing to the optimism of the American president. Spain at the mouth of the Mississippi was bad enough, but France planted at the outlet of the great highway of the West and in control of the Indians of the Southwest would be a constant threat to American independence and unity. Jefferson was writing truth and no mere threat when he said that the moment that result occurred, we should have no other recourse but to marry ourselves to the British fleet and nation. So wrote the man who two short years before had given to the American doctrine of isolation its classical expression. Evidently Thomas Jefferson was something of a realist as well as a philosopher.

American anxiety was further increased when by the direct orders of the Spanish King the mouth of the Mississippi was again closed to the products of the West. In the circumstances Jefferson saw in this measure an evidence of the hostility of Napoleon, although it now seems probable that the French ruler knew nothing of it, and that the Spaniards, dissatisfied with their bargain were quite willing to hand over to the great Corsican not only a province but a quarrel.

In the crisis James Monroe, who had made himself an uncomfortable neighbor by his tendency to gossip about some of the private affairs of the President, was sent on a special mission to join the resident American minister, Robert Livingston, in Paris and to try to purchase Florida and New Orleans. He was authorized to offer any sum up to ten millions of dollars. But before the special envoy could present his credentials, Napoleon had instructed Talleyrand to offer the whole of Louisiana to the United States. The bargain was consummated with Napoleonic promptness and, without waiting for fresh instructions from home, the two Americans agreed to give sixty million francs to Napoleon for a region

which they had not been authorized to buy. Napoleon had promised the King of Spain that he would never alienate the province, but this was a detail which at so great a crisis in his career he could not be expected to remember.

When the news of the treaty arrived, Jefferson was somewhat troubled by the absence of any definite provision in the Constitution for the purchase of territory. But he could not wait for the slow process of amendment when every day increased the danger that Napoleon might change his mind. The treaty was sent to the Senate and ratified with very little delay. Even before the document was signed, the President, who had much of the spirit of scientific curiosity, sent out the expeditions under Pike and Lewis and Clark which carried the knowledge of the continent to its inmost recesses. Pike reached the head waters of the Mississippi and travelled far into what is now Colorado, while Lewis and Clark made the memorable expedition which took them to the mouth of the Columbia, and so laid the foundations for still further extensions of the American domain.

The old leaders of New England, men like Timothy Pickering who had been Secretary of State under Washington, watched with increasing hate and fear the rise of Jefferson's power and popularity. Just as many of the extreme Democrats had feared that Washington was plotting to set up a monarchy, so the Federalists now saw in the democracy of Jefferson evidence of a plan to set aside the ordinary safeguards of life and property and to sweep away the foundations of society. Even Hamilton wrote constantly of the danger of a social upheaval which it would require all the courage of good men to avert. He kept himself constantly ready for leadership in such a crisis. Pickering, Griswold, and other prominent New Englanders went further and formed a group that was

sometimes called the Essex Junto and which favored the separation of New England and New York from the South and West which were to be abandoned to their Jeffersonian idols. The acquisition of so vast a region in the West added fuel to their fears by bringing close the day when New England would lose forever her dominant position in the nation. The immediate problem was the control of New York, where the Federalists were too weak to combat the influence of the great families of the Clintons and the Livingstons which had attached themselves to the Jeffersonian banner. Whom could the New England plotters find to fight their battles for them? For without the great seaport of New York, a northern confederacy would probably be too weak to maintain its independence. It was to the credit of John Adams that he looked with supreme contempt on the whole plot and kept himself aloof from such leaders.

Aaron Burr, the Vice President of the United States, had definitely broken with his party. Jefferson had never forgiven his willingness to become President, and had thrown his influence in New York to the rival faction of the Clintons. George Clinton was slated to succeed Burr in the Vice Presidential chair. Burr was ruined in fortune by his speculations and his long devotion to politics, and he was known to control a large number of votes in the City of New York. In these circumstances a dinner was held in Washington in the winter of 1804, attended by Pickering, Griswold, Burr, and other prominent Federalists. There is no evidence that Burr committed himself in any definite way to the schemes of Pickering, but he became a candidate for Governor of New York with the support of men who were frankly anxious to dismember the Union.

For the second time in four years, the ambitions of Aaron Burr were thwarted by Alexander Hamilton.

Hamilton hated Jefferson and feared democracy. But his patriotism was real and deep and he took a wider view of the destiny of the nation than was possible for the narrow mind of Timothy Pickering. He profoundly distrusted the integrity of Aaron Burr, and said as much to many of his friends in letters which soon came to the knowledge of his enemy. The election was close and hotly contested, and, handicapped by the opposition of Hamilton, Burr was defeated.

The disappointed candidate promptly wrote a letter to his enemy in which he demanded retraction and apology, and when that was refused, challenged Hamilton to a duel. The two rivals met on the duelling ground at Weehawken. Hamilton fired his pistol in the air, and, receiving the carefully aimed shot of his antagonist, was mortally wounded. Burr returned to Washington where he presided with dignity over the impeachment of Justice Chase and completed his term of office. But he was a ruined man, without fortune, without political hopes, and under indictment for murder in both New York and New Jersey. He was hated by the Federalists for the death of their brilliant leader. By many Republicans he was already considered a traitor, both to his country and to his party. Seeking for a fresh field for his enterprise, he now turned his attention to the far West where duelling was a common practice and where more than one respected leader of society had killed his man.

The exact nature of the plan of Burr, as he left for the West in the spring of 1805, it is quite impossible to determine. It is probable that he himself had not formulated his schemes with precision and that he was ready for any promising adventure. And there were circumstances in the western situation favorable to intrigue. The old discontent of the people in the Ohio valley which had once made them ready to seek foreign aid out

of their very real troubles, had been largely laid at rest by the diplomacy of Jefferson and the consequent acquisition of the mouth of the Mississippi. But the Creoles in the newly acquired Louisiana were bitterly disappointed not to receive immediate statehood, which they thought had been promised them in the treaty. Spain regarded our purchase of Louisiana as scarcely better than theft. The boundaries of the province both on the east and west were vague, and Spanish troops were planted in a region claimed by the United States. There was every likelihood of war, and western men like Andrew Jackson in Nashville eagerly desired the war which should remove forever so troublesome an enemy. The commander-in-chief of the American army in the West was James Wilkinson, an unprincipled rascal, whom people shrewdly suspected of being in the pay of Spain, although the definite proof of his treason had to wait until the Spanish archives were opened to investigators in our own day.

The United States was also involved in the long quarrel with England over neutral rights. England was at war with Spain and the English minister, Anthony Merry, was bitter against the administration of Jefferson. Before he left for the West, Burr had an interview with Merry in which he asked for an English fleet and English gold in attacking New Orleans and making that city a base for the conquest of Mexico. Burr promised Merry that he would divide the Union and carry the West with him into his new Empire. The interview with Merry was not known until the brilliant American historian, Henry Adams, found in the archives in London the report of that minister to his home government advising aid to Burr.

Burr claimed to his dying day that he had no other plan than to settle lands on the Washita River from which he would be ready to attack Mexico when the in-

evitable war broke out with the United States. Modern defenders of Burr accept his own account of his purpose and brush aside the interview with Merry as a mere attempt to collect half a million dollars from the British government on false pretenses which he never intended to carry out. It is quite evident that this defence leaves the character of Burr quite threadbare. But it seems more likely that Burr actually considered both a western revolution and an attack on Spanish Mexico, and that only when he failed to get the desired aid from the British government and when he found the western leaders loyal, did he change his plan of conquest to a mere filibustering expedition.

In any case, he made a leisurely journey through the West, gaining financial aid and enthusiastic allegiance from a romantic Irishman named Blennerhasset who had built a house on an island in the Ohio near Marietta, and interviewing the chief men in the region. At Nashville he was received as a hero and entertained by Andrew Jackson, who was ready to welcome any plan for war with Spain. To these leaders Burr said nothing about a plan to divide the United States. At the mouth of the Ohio he met Wilkinson and gained his promise to join in the plot, and then travelled down the Mississippi to interview the merchant Daniel Clark, and other leaders in New Orleans. On his return, one of the numerous paid agents of Spain in the latter city began to circulate the report that Burr was about to attack the United States.

On his return to Washington, Burr made every effort to get money and men. He had another interview with Merry and sent a messenger to the Spanish minister with a still more fantastic plan to kidnap Jefferson and attack the West. He seems to have talked in the same vein to the erstwhile hero of Derne, the bibulous and untrustworthy William Eaton, now knocking at the doors of

Congress for some reward for his great services in Africa. Or, at least, so Eaton reported to Jefferson, who was at first not at all disturbed and who dismissed the story as the gossip of a drunkard.

But when Burr left again for the West in the summer of 1806, the matter began to seem more serious. Burr had made his great mistake in trusting Wilkinson, who was quite incapable of loyalty to any one. That military chieftain decided to denounce the whole conspiracy, and to claim a reward from the United States. At the same time, he sent a special messenger to the Viceroy in Mexico asking for one hundred thousand dollars for his services to the safety of Spain. Unfortunately for his own reputation he was unable to reveal the plot without indicating quite clearly that he himself had been at first one of the conspirators.

With the letters of Wilkinson before him, Jefferson issued a formal proclamation denouncing the conspiracy, and a little later sent a special message to Congress stating that he believed the guilt of Burr to be quite clear. The loyalty on which Jefferson had counted in the West did not fail him. The militia broke up a small expedition of some thirty men which had gathered on Blennerhassett's island. Burr was himself arrested in Kentucky but released by the grand jury for lack of evidence. He made his way down the Mississippi in nine small boats with about one hundred men. In the neighborhood of Natchez, he received word of the treachery of Wilkinson, and, fearing assassination, abandoned the expedition and fled toward the Spanish frontier. In the meantime the valiant Wilkinson placed New Orleans under martial law and arrested the friends of Burr.

Near the Florida border, the disguise of Burr was penetrated and he was arrested by the military authorities and carried on horseback a thousand miles to a prison in

Richmond. After indictment by the grand jury, the case came for trial before John Marshall acting as a Circuit Judge in the district of Virginia. Jefferson had committed himself so publicly to the guilt of Burr, and he believed so firmly that others in New England were making similar plots, that he bent every energy to the conviction of the prisoner. The Federalists realized their danger, and made a hero of the accused man.

The chief witnesses against Burr were the thoroughly discredited Eaton and Wilkinson. But the case turned on the phrase in the Constitution which requires that treason shall be strictly proved by the testimony of at least two witnesses to the same overt act. Marshall ruled that the overt act should be proved before he would allow any testimony as to the desires or the plans of Burr. Had there been any overt act of war against the United States? The only possible act of that kind was the meeting of the thirty men on Blennerhassett's island at a time when the government had to acknowledge that Burr himself was far away in Kentucky. The verdict of the jury was highly irregular in form but summarized accurately the situation: "We of the jury say that Aaron Burr is not proven to be guilty under this indictment by any evidence submitted to us. We therefore find him not guilty." Pickering, Griswold and the rest, who six months earlier had broached to the British minister a plan for the secession of New England, somewhat similar to Burr's, must have breathed more easily. To Jefferson, the whole incident seemed a dangerous miscarriage of justice, but with the evidence which was before the court, and which did not of course contain the direct revelations to the two foreign ministers of which we now have knowledge, there can be little doubt that Marshall's position was in strict accordance with the provisions of the Constitution. Burr soon left for Eu-

rope to try to get the aid of England or Napoleon in his plan for the conquest of Mexico. In 1812, he returned to New York, where he practiced law and maintained his connection with local politics until his death in 1836, ten years after that of his old antagonist, Thomas Jefferson. In spite of all the evidence which had appeared against the character of Wilkinson, that officer was retained in command of the American army, and as late as 1813 he was made the leader of one of the American expeditions against Canada, a campaign which ended with so little credit to the military efficiency of the Americans.¹

¹ For the Essex Junto and Burr's plot, see Henry Adams, *History of the United States*, Vol. II, Chapter VII, and Vol. III, p. 219-343. The view more favorable to Burr is found in McCaleb: *The Aaron Burr Conspiracy*, and in Beveridge: *Life of John Marshall*, Volume II, p. 274f.

CHAPTER XII

THE CONTEST FOR NEUTRAL RIGHTS

THE duties of a neutral had been clearly set forth by Jefferson's notes to Genêt in 1793, but the rights of a neutral had still to be determined. With the outbreak of the second great series of European wars in 1803, the American merchants found themselves in an extremely favorable situation. As in colonial times, their chief trade route was to England where they sold tobacco and the newly developed cotton crop, and from which they brought their most important manufactures and articles of luxury. But in spite of the fact that the English islands in the West Indies were closed to them, the Americans found increasing profits in bringing the products of the French and Spanish islands to American ports, from which after a merely formal entry in the custom house they carried to the ports of France and Spain the sugar and cocoa that formed the European breakfast. Once arrived in Europe and having discharged his cargo, the shipmaster sometimes picked up a special cargo which he carried from one port to another before he started back with the wines of France or the olive oil of Italy. In these early years it was estimated that the American merchant marine grew by seventy thousand tons a year and that it required four thousand new sailors each year to man the busy ships.

The English merchants naturally watched this pros-

perity with increasing alarm. They saw their former colonies, to which even now they ascribed only a limited independence, doing safely what they themselves could accomplish only at serious risk, and developing a merchant marine which was second only to their own. Worse still, they shrewdly suspected that many of the four thousand new seamen who sailed under the American flag each year had been British just before they embarked, and that they had been persuaded to leave their old allegiance by the higher wages and the more humane treatment which they found with New England shipmasters. In every seaport, lawyers were to be found who furnished naturalization papers with very slight expense to men whose residence in America was often limited to a night or two in a sailor's lodgings. England was developing a large navy for the war with France and found surprising difficulty in manning her vessels, while every time that one of these stopped at an American port, it was abandoned by a part of the crew as rats leave a sinking ship.

Under the rule which had been adopted by the English courts in 1756, neutral vessels were not allowed to trade between the French and Spanish islands and Europe in time of war because that trade was forbidden in time of peace. But in the first war, which lasted from 1793 to 1802, vessels had been permitted to load in Havana and other colonial ports and carry their products to an American port, and, with that break, to Europe. As long as naval strength was fairly equal, such a concession seemed necessary to prevent the possibility of starvation in the English islands. But, as this indirect trade grew in importance, the protests of the British merchants became more insistent, and under direct instructions from the ministry, Sir William Scott in the summer of 1805, condemned a vessel, the *Essex*, bound to Europe with a

cargo which had originated in Cuba. He held that such a voyage was essentially continuous and was an attempt to violate the rule of 1756. One of the chief American trade routes was immediately threatened with annihilation.

In October of the same year, 1805, the navy of England won an overwhelming victory over the French and Spanish at Trafalgar, and from that moment England became in fact mistress of the seas, able to make her power the essential basis of international law.

England maintained the doctrine of inalienable allegiance and did not recognize the right of any of her sailors to become citizens of any other country. She insisted on her power to stop neutral vessels, to examine the crew, and to impress from their decks any of her own citizens whom she found on board. As a matter of fact, the commanders of British war vessels went further, and in their anxiety to strengthen their depleted crews, impressed sailors without much regard to their nationality. In a few years it was estimated that as many as ten thousand Americans were undergoing forced service in the British navy. This was a practice that England would not give up for fear of endangering her naval supremacy and which the Americans could not concede without failing in the first duty of a nation towards her own citizens.

To make matters worse, England proclaimed a blockade of the whole north coast of France, and found it more convenient to enforce this blockade in American waters, where ships were stopped and overhauled for sailors and sugar. During 1806, for example, the port of New York was blockaded by the *Leander*, and every vessel was stopped and examined. The captain of a fishing smack was killed by a careless shot which had been intended to cross the bows of another ship. When

the body was brought to port a public funeral was held and popular opinion was almost ready for war. All attempts to settle by diplomacy the points at issue between the two nations failed completely, although Monroe and Pinkney negotiated a treaty with England which Jefferson refused to send to the Senate because it did not stop the obnoxious power of impressment.

The next year, the blockade of the American coast continued and a still more serious incident took place. The British vessels on the coast were accustomed to enter American ports for water and other provisions. On one of these occasions, an English sailor, Jenkin Ratford, deserted from an English frigate and enlisted under an assumed name, but with the knowledge of various persons in the community, in the newly built American frigate *Chesapeake*. The enraged British Admiral at Halifax issued orders to have the *Chesapeake* stopped whenever that vessel should be found at sea to recover the deserter. The unsuspecting *Chesapeake* started on a voyage to the Mediterranean expecting to mount her guns and to complete her organization on the long voyage across the Atlantic. Since the nation was at peace, the new vessel was entirely unprepared for a contest.

Just off the American coast, the English *Leopard* was seen approaching, and according to the custom of the time the *Chesapeake* lay by to receive despatches which the Americans were in the habit of conveying to Europe as a matter of accommodation. Much to the surprise of the American commander, Commodore Barron, the English officer who came on board demanded the right to muster the crew and to examine them for English deserters. Barron answered that he knew of no deserters on board and that as his ship was a public vessel of the United States he could not allow the crew to be mustered except by her own officers. As soon as the officer took this message

back to his own vessel, with no warning except a shout, the *Leopard* poured a broadside into the *Chesapeake* at a distance of some two hundred feet. Three of the crew were killed, eighteen wounded, the masts were swept away, and the *Chesapeake* was a helpless hulk. The guns were unmounted, but a young midshipman managed to fire one with a live coal from the galley for the honor of the flag, before the flag was hauled down and the *Chesapeake* surrendered. The vessel was boarded by the English officers, the crew was mustered, and three sailors who were clearly Americans were seized. The unlucky Ratford was found hiding in the coal bin, and was arrested, carried to Halifax, and promptly hanged. The three Americans were kept in prison for four years, where one of them died.

Commodore Barron had desired to yield his vessel as a prize, which would have made the incident a clear act of war. But the offer was rejected by the British officer in a contemptuous note: "Having to the utmost of my power fulfilled the instructions of my commander-in-chief, I have nothing more to desire, and must in consequence proceed to join the remainder of my squadron." The note closed with an expression of regret at the entirely unnecessary loss of life which had been due to the obstinacy of the American commander!

When the *Chesapeake* limped back to Norfolk with the story of her disgrace, popular feeling rose to white heat. For once Americans forgot their party and sectional animosities and Jefferson could have declared war with a united people at his back. According to ordinary standards of national honor there was nothing to do except to demand an apology and prompt reparation and in the meantime prepare for war. The other questions at issue were perhaps debatable, and there were even Americans like Gouverneur Morris, who conceded the neces-

sity under which England carried out her policy of blockade and impressment. But here was a grievance so clear, so unnecessary, so gratuitous, that there could be no possible difference of opinion. In the light of what finally happened, firmness on the part of the American President, or generosity on the part of the British Foreign Secretary Canning, might easily have averted much of the growing animosity which led to a useless war.

But Jefferson merely closed American ports to British vessels in order partially to allay popular clamor and sought to make the incident the occasion for solving all the troublesome questions which were at issue between the two countries. Canning had been at first disturbed by the news of so needless an affront to a peaceful nation, but when he found that America was ready to discuss the incident he was more than willing to prolong the discussion as long as possible. He seized on every quibble and approached the problem in the spirit of a small attorney instead of a statesman. Unfortunately for both England and America, Jefferson, in his eagerness for peace, fell into the trap and debated a question for years, which for the interests of both nations should have been settled in an hour.

In the meantime, as if to prove that troubles never come singly, Napoleon, by the Berlin Decree at the close of 1806, announced his Continental System. The essential feature of this plan was the exclusion of British goods from the countries under the control of France. Unable after the great catastrophe at Trafalgar to attack England directly, Napoleon planned to injure her through her commerce and for this purpose to extend his sway as far as possible throughout Europe. Partly to meet this danger as well as to weaken the growth of the American merchant marine, England countered by a series of Orders in Council which forbade neutral ships

from going to any European port under the control of Napoleon without first touching at an English port and paying duties. She had previously prohibited the conveyance of the products of the West Indies to Europe. By these new measures Americans could not even carry their own chief products, wheat, tobacco, or cotton, without paying heavy duties in England, which in the case of cotton were made prohibitive to prevent the growth of French manufactures. When we remember the system of enumerated articles under the colonial navigation system it becomes evident that the Orders in Council were essentially the reënactment of those provisions for communities which now claimed to have won their independence. To make matters worse, American ships were forbidden to engage in the carrying trade from one European port to another. Napoleon answered by subjecting any vessels to confiscation that had been visited by an English cruiser or which had touched at an English port. American commerce was caught between the upper and the nether millstones of two selfish policies. The older grievances of impressment and of the interdiction of colonial commerce with the West Indies were at least sanctioned by long established practice and might be defended on legal principles. But the Orders in Council which practically limited all American commerce to that with England, and which applied to articles that no one had classed as contraband, and to regions which were not subject to any semblance of blockade, were frankly extra legal, or in other words novel devices, that could only be defended on the ground of necessity and power. And it must be acknowledged that both the necessity and power were overwhelming. From that time on America was, at the cost of her independence, to contribute to the expenses of England in the Napoleonic wars.

The problem before Thomas Jefferson at the close of

1807 was to prove that a commercial nation can remain a neutral in the face of a great world struggle. It would have been comparatively easy to challenge the restrictions of one of the contestants and so actually to enter the war on the side of the other. After more than a century of experience, it seems probable that real neutrality is always an impossible ideal in the face of such conditions, and that sooner or later a world war will draw every important nation into its deadly embrace. But Jefferson, with his essential idealism, is not to be blamed for not seeing this as clearly as we do today. He had been impressed in his youth with the success of commercial restrictions in bringing the mother country to terms after the Stamp Act. He knew that war would be costly and the issue doubtful. And he did not sufficiently weigh all the chances involved in a policy of embargo, or the supreme patience and the great sacrifices which it would need to carry such a policy into complete success. America was the greatest market for English goods and the chief source of important raw materials. If his embargo on commerce did succeed, it would prove once for all that a nation may enforce its primary rights without going to war. And whatever may be thought of Jefferson's conduct immediately after the *Chesapeake* affair, and in spite of the fact that his plan failed, it was a plan which was bold in conception, that had been tried once before with very great success, and which one might without folly hope to carry through. Jefferson had meant exactly what he said in his inaugural when he had used the phrase "peace with all nations." Hamilton, with perhaps clearer if more cynical vision, had foreseen long before that lasting peace was not possible in a world at war and would have prepared frankly for the struggle. But there is no incident of those years which Americans can remember with more pride than that in the year

1808, the nation at great cost, did after all make a supreme effort in the face of overwhelming difficulties to keep the peace. The alternative plan of going to war had certainly become threadbare by constant and costly experiment in regulating the affairs of mankind.

At least, so reasoned Thomas Jefferson. In the meantime, by laws which stretched the provisions of the Constitution to the breaking point and which contrasted curiously with the Democratic doctrine of strict construction, America isolated herself from the world. The once busy ports of New England presented a scene of desolation, as if they had been visited by some mighty plague. Ships which had carried the American flag to every portion of the globe rotted at their wharves, and grass grew in streets which had known the busy hum of commerce. Sailors out of work and starving turned from the sea to the far West. Capital began to seek the factory rather than the ship-yard. It was no wonder that disloyalty and discontent which had been limited to a few leaders in 1804 began in 1808 to reach the common people of the commercial cities. Nor did the southern planter escape the cost as he saw his crops of tobacco, of cotton, of indigo, and of rice piled high without a market.

What were the consequences of Jefferson's experiment outside of America? Napoleon welcomed the measure which fitted perfectly with his plan to make his extended empire self-sufficing. At first there was some suffering in the West Indies, whose staples needed American food-stuffs for their production. But Canada began to supply many of the planter's needs, while enough smugglers escaped from American ports and across the Canadian boundary, in spite of strenuous efforts to stop such leaks, to relieve the rich sugar islands from any serious pressure. The English navy found it easy to fill its complements, now that sailors had no recourse in neutral ships. The

crops were unusually bountiful in England, as if nature herself had conspired on the side of Canning against Jefferson. Many factories were closed in England for lack of raw materials and the starving operatives marched in noisy processions in the streets. But these men were without political power or influence and might make what noise they willed. The real test of the embargo was to be its effect on the British merchant who largely controlled the policies of the Empire. Would he suffer enough from the loss of his great market in America to speak in tones of authority for generous treatment of the United States? There lay the crucial question.

The result turned on events which took place quite unexpectedly in Spain, that, under the nominal monarchy of his brother Joseph, had become one of the provinces of Napoleon's Empire. On the second of May of the embargo year 1808, the Spanish people rose in a bitter revolt to win back their lost independence. The immediate result was to open Spain, Portugal, and their colonies to the commerce of England and to weaken greatly the whole continental system. England had thus found new markets which partly compensated her for the loss of her American customers. Consequently, when the American minister, William Pinkney, used the embargo as an argument for the redress of grievances, Canning was able to reply with the sarcasm of which he had been inordinately proud in Parliament and that proved so unfortunate in his new position of diplomacy: "His Majesty would not hesitate to contribute, in any manner in his power, to restore to the commerce of the United States its wonted activity; and if it were possible to make any sacrifice for the repeal of the embargo without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal as a measure of inconvenient restriction upon the American people."

In the closing days of Jefferson's second administration it was apparent to every one except the President that the embargo had failed, unless the American people should have the patience to endure it indefinitely. It was accordingly repealed and replaced by a limited measure of non-intercourse, which opened trade with all the world except England and France. With almost boyish delight Jefferson came to the close of his arduous duties and retired to the welcome leisure of Monticello, leaving in the weaker hands of his friend James Madison problems that seemed insoluble.

The new measure was similar to the embargo in its effects on England, but allowed a considerable commerce with the countries of the Baltic which were not included in the commercial war between England and Napoleon. But whatever pressure lay in the policy of embargo and non-intercourse was now lost by an unfortunate incident. The English minister in Washington was a Whig, David Erskine, who had married an American wife. He appreciated more fully than Canning the danger of driving America into the war, and in disregard of his instructions, negotiated a treaty with Madison, in which he promised reparation for the affair of the *Chesapeake* and agreed to the repeal of the obnoxious Orders in Council. Relying on this unratified treaty, Madison proclaimed that commerce with England had been renewed. The American vessels loaded great cargoes of wheat, tobacco, and cotton for England, which were received there and relieved entirely the growing distress caused by the embargo. When the news of Erskine's treaty reached England, it was promptly repudiated by Canning, who had not authorized such generous promises, and Erskine was recalled in disgrace. In the whole comedy of errors, here was probably the greatest. For since America continued her non-intercourse with France,

which had not made concessions, the only legitimate purpose of the Orders in Council would have been accomplished at the very moment of their repeal, and in a form which would have been consistent with American independence. As Erskine clearly saw, America would have thrown her weight against the tyranny of Napoleon. As it was, Madison was compelled to acknowledge that he had acted too hastily and to renew the measures against both England and France.

To make matters worse, Canning appointed as the successor of Erskine a diplomat named Jackson, who had been used on a previous occasion to demand the surrender of the neutral fleet of Denmark just before the ruthless bombardment and destruction of Copenhagen. Such an appointment was in itself a threat, especially when connected with the well-known antipathy which Jackson had for all Americans. He confided to his diary that "all Americans are alike except that some are greater rascals than others." Jackson soon managed to insinuate that Erskine had been deliberately hoodwinked by Madison into making his treaty, and was promptly dismissed, although he remained in the country for a full year and even tried to appeal over the head of the administration to the discontented commercial elements in New York and New England. The whole incident was quite similar to the better known Genêt affair, and had much more disastrous consequences.

From the moment of the repudiation of Erskine and the Jackson incident, war with England was probably inevitable. The new Secretary of State, James Monroe, had returned from fruitless missions in Spain, France and England convinced that America would never gain respect except by fighting. Calhoun, the logical, advocated war with both the great belligerents. But the grievances against England were more direct and irritat-

ing than those against France. In 1810, non-intercourse was abandoned, just as the embargo had been given up the year before. Soon afterwards, relying on a very doubtful conditional promise of Napoleon to treat American commerce more fairly, non-intercourse was renewed with England in a form which was almost sure to lead to war. Orders were given to the small American navy to defend itself against every insult, and early in 1811, the discouraged and able American minister, William Pinkney, returned to America, leaving the embassy in the hands of a subordinate. In that same summer, the fighting spirit of the nation was aroused by an engagement between the *President* and one of the English blockading squadron, the *Little Belt*, in which the smaller English ship was completely defeated under circumstances that seemed to avenge the old insult to the unlucky *Chesapeake*. In the meantime, the western Indians were forming a confederacy under the astute leadership of Tecumseh and his brother the Prophet. When they were defeated near their model village of Tippecanoe, the whole frontier rang with the name of the victor, William Henry Harrison. It was believed that the Indians were armed with English guns, and men who had feared to insist on apology for the *Chesapeake*, now began to dream of the conquest of the whole of Canada. In the meantime, Congress did little to prepare for the inevitable conflict. The new Congress, which met in the closing days of 1811, was dominated by a group of young men, exponents of the new nationalism of the West, who were eager to fight. Their leader was a young orator from Kentucky, Henry Clay, who later had occasion to repent his too optimistic speeches. On the eighteenth of June of 1812, war was finally declared against Great Britain.

Curiously enough it was the one moment in the whole

contest when war was not really necessary. The second non-intercourse measure against England, which had been proclaimed as an almost hopeless measure in the fall of 1810, had been as surprisingly successful as the earlier measures had been entirely disappointing. The crops which had been so bountiful in England in the embargo years, had been poor in 1810 and had completely failed in 1811. Not only the English people, but the armies of Wellington in Spain were dependent on American wheat. Above all, the merchants found that their exports to the Spanish colonies in the new world did not compensate them permanently for the loss of their chief customers. English bankers, who had large American interests, and especially Alexander Baring, began to press for the repeal of the Orders in Council. Russia had broken with Napoleon by refusing to enforce his Continental System, and the American minister at St. Petersburg, John Quincy Adams, wrote that the Czar was using his influence in favor of neutral commerce. Men began to ask whether the policy of Canning had been wisely conceived or whether it would repay the great losses which it entailed.

In these circumstances, a new British administration in 1811 made apology and reparation for the old affair of the *Chesapeake*. The two surviving American sailors were brought back to Boston harbor and replaced on the deck of their old ship the *Chesapeake*. Provision was made for the families of those who had been killed on that unfortunate day. Above all, the new minister of foreign affairs, Castlereagh, announced on the sixteenth of June, 1812, the repeal of the Orders in Council. If Pinkney had remained in London or if there had been a trans-Atlantic cable, it is quite possible that these concessions, even at so late a date, would have been enough to prevent war. But the repeal of the Orders which had

been decided on in May had been delayed by the assassination of the Prime Minister, Perceval, and by the confusion which resulted. Before word could be received in America of so important an event, war had been declared, and peace is always proverbially harder to make than to keep. Five days after the declaration of war, Napoleon crossed the Niemen and started on his ill-omened invasion of Russia, and America was therefore left without an ally, face to face with the most formidable naval and military power in the world.

There never was a war which had announced its coming by so long a shadow cast before. But the shameful fact remains, that for such a war America was wholly unprepared. There had been no recent incident like the affair of the *Chesapeake* to weld national feeling into unity. Whole sections of the country thought the contest unnecessary and were unable to grasp its purpose. The army was small and inefficient and its officers were either old and useless or, as in the case of Wilkinson, without character and beneath contempt. The army of the West, from which Henry Clay had expected so much, marched north through the wilderness of western Ohio in the summer of 1812, only to surrender at Detroit without firing a shot, to inferior forces under the capable Canadian, Isaac Brock. Its leader, General William Hull, was court-martialed and sentenced to be shot, but was finally pardoned by the President.

Only the little navy was quite ready, and under its eager commanders, won a series of great sea fights which brought some glory to the American name. Unimportant as these combats were in final military results, such battles as the one between the *Constitution* and the *Guerrière*, in which for the first time in two decades on the sea the English flag was lowered, gained respect for Americans in England and were factors in the willingness of

that country finally to make peace. More important still were the depredations of American privateers which carried the American flag even into the narrow seas, and by capturing more than a thousand prizes were alone able to bring the war home to the English commercial classes.

On the Canadian boundary, where so much had been expected, the problem soon became to see not how much could be won, but how much could be saved. In 1813, expeditions against the Niagara peninsula and along the St. Lawrence failed almost as dismally as the first enterprise to Detroit. The militia of the northern states sometimes refused to leave their states, and the regular army was quite too weak for the task which had been set. The government, without adequate revenues, was saved from bankruptcy only by the intervention of John Jacob Astor and Stephen Girard. In September of 1813, the West which had been lost at Detroit was won again by a brilliant naval victory under Commodore Perry on Lake Erie in which the English vessels were compelled to surrender. With their line of communications destroyed by the American control of the Lakes, the Canadian army was forced to retreat, and the way was paved for a victory by Harrison at the battle of the Thames on the north shore of the lake. Among the slain was Tecumseh who had followed the British in their retreat. The center of interest now passed to the Niagara peninsula, where in the summer of 1814, the American army under the leadership of General Jacob Brown, and aided by an able lieutenant in the person of Winfield Scott, fought well at Chippewa and Lundy's Lane but without decisive results. The American navy on Lake Ontario never won the ascendancy which had come to them on Lake Erie, and in those days of poor roads, no army could penetrate far into the interior without the command of the Lakes.

America had not gone to war as the ally of Napoleon, and indeed the administration had been almost as ready to fight with him as with England. Nevertheless, the complete collapse of Napoleon's Russian campaign brought the United States face to face with what is perhaps the chief crisis in her national history. No event in American history illustrates better than the War of 1812, the extent to which time is an element of the historical process. It is quite misleading to speak of the causes of this or any other long contest, because those causes were rapidly changing. In 1807, the questions had been concerned primarily with sailors' rights. In 1812, war had come to a large extent not from issues on the high seas, but like many other events in American history, from conditions in the West. To many of the leaders in the Congress which had declared war, the primary consideration was to secure by the conquest of Canada protection against the Indians. Now, in the spring of 1814, with Napoleon overcome and in Elba, all these old hopes, and fears, and hates, seemed unsubstantial dreams, which time and events had made obsolete. The real problem was the preservation of independence and the salvation of democracy, if, indeed these could be saved or were worth saving.

New England had done her part in the war, but as disaster succeeded disaster, the time seemed to many to have come to set up a government of the few and the wise. And since that could not well be done for the whole nation it might be done for the North. When the news of the abdication of Napoleon reached New York, Gouverneur Morris, who had been the chairman of one of the important committees in the Constitutional Convention of 1787, addressed a great mass meeting. And these were the words he used: "And thou, too, Democracy!—savage and wild, thou who wouldst bring

down the virtuous and wise to the level of folly and guilt! thou child of squinting envy and self tormenting spleen! thou persecutor of the great and good!—See, though it blast thy eyeballs,—see the objects of thy deadly hate! See lawful princes surrounded by loyal subjects! . . . Let those who would know the idol of thy devotion seek him in the island of Elba!”

Nor was Morris alone in his extravagant rhetoric. From many a pulpit could be heard scarcely veiled prophecies that the days of American unity and democracy were happily numbered. In the autumn of 1814, a convention met in secrecy at Hartford, which appointed agents to carry to Washington the contentions of Massachusetts and Connecticut. And those contentions fell little short of a demand for virtual independence. When the news arrived that the English were planning an expedition to New Orleans, Pickering, the former Secretary of State wrote to Lowell: “If the British succeed in their expedition against New Orleans, and if they have tolerable leaders I see no reason to doubt their success,—I shall consider the Union as severed. This consequence I deem inevitable. I do not expect to see a single representative in the next Congress from the Western States.” And such prophecies might be greatly multiplied. Doubtless the great majority of the common people in all parts of the United States were patriotic and loyal. But these quotations are an indication of the gravity of the situation which in the year 1814 confronted the nation.

The military situation had completely changed. Instead of being face to face with a few regulars and a body of Canadian militia aided by untrustworthy Indians, America must now as a result of the complete collapse of the power of Napoleon, expect to face the great army which had held the lines of Torres Vedras against the best trained soldiers in Europe. The British plan of

campaign called for three expeditions; one was to follow the old route of Burgoyne and drive a wedge through the heart of the exhausted country, a second was to make a diversion against the national capital, and a third was to seize the newly acquired mouth of the Mississippi. The English government was even considering sending its greatest soldier to ensure an effective management of the campaign. Above all, the whole coast was now held in the relentless grip of a navy that contained six hundred well equipped ships of war. Not a catboat could enter or leave an American harbor without permission. When Albert Gallatin and James K. Bayard went to Russia in the spring of 1813, seeking to take advantage of the good offices of the friendly Czar Alexander in making peace, the blockade was already so effective that they were compelled to seek a passport from the generosity of the British admiral.

In the capital of the Czar, the American commissioners joined John Quincy Adams, who true to the patriotic traditions of his family, had risked his local popularity and had supported the embargo and the war. He had been sent to Russia four years before to represent America, a task that he had performed with distinguished ability. For a whole year, the commissioners waited while Napoleon met his fate, first at the Battle of the Nations before Leipzig and then on the plains of France. But England refused the mediation even of an ally in what she regarded as a domestic quarrel. The London *Times* spoke of Madison as a "traitor," who must be humbled.

In the meantime, the wise and tactful Gallatin wrote letters to old friends and visited various capitals in the hope of securing peace. At length, when the European war was over in April of 1814, through the friendly intervention of his old friend Alexander Baring, the great

banker, he was allowed to visit London to consult more directly with the ministry. The moment seemed unpropitious, for he found the capital of England wild with the excitement of an unexpected victory. The *London Times*, which was regarded as unusually conservative and mild, advised the ministry in May: "They are struck to the heart with terror for their impending punishment; and oh may no false liberality, no mistaken lenity, no weak and cowardly policy, interpose to save them from the blow! Strike! chastize the savages, for such they are! . . . With Madison and his perjured set no treaty can be made for no oath can bind them."

Fortunately calmer councils prevailed. Lord Liverpool wrote that the American war would cost ten million pounds a year, and the property tax was already heavy. The desire for peace was quiet but very deep. The difficulties of making a general European peace were only smaller than those of war. Above all the Americans had some real friends at court, especially Baring and the Duke of Wellington, who shrewdly suspected that something might turn up in Europe to demand his best attention. The cabinet appointed a peace commission in the persons of Lord Gambier, Henry Goulburn, and William Adams, to meet the American commissioners at Ghent. To the three American ambassadors previously appointed Henry Clay had been added to represent the West as well as Jonathan Russell who was familiar with diplomatic precedents. With Adams, Gallatin, and Bayard, the five were probably the ablest group which has ever represented the United States in any important mission. They were familiar with every detail of the problem with which they were confronted. Adams and Clay were of uncertain temper, and they stood for the diverging interests of the East and the West, especially as to such questions as the navigation of the Mississippi

and the fisheries. It thus fell to the tactful, foreign-born Gallatin to keep the peace among his colleagues, and he was fortunately selected as head of the commission.

The American commissioners had been instructed to ask for the definite abandonment of impressment and of the rule of 1756, and also to seek compensation for the vessels which had been captured under the Orders in Council, but the English commissioners had been ordered not even to discuss these questions. The English envoys had plans of their own which they expected to make good by arms. In the boyish diary of James Gallatin, who acted as his father's secretary, we have a vivid picture of the negotiations. On August 8th he wrote: "Today was the first meeting. The British commissioners, as a base of discussion re the treaty—demanded that the Indian tribes should have the whole of the North-Western Territory. (This comprised what became the States of Michigan, Wisconsin, and Illinois, four-fifths of Indiana and the third of Ohio.) That an Indian sovereignty should be constituted under the guaranty of Great Britain: this to protect Canada. Father mildly suggested that there were more than a hundred thousand American citizens settled in these States and territories. The answer was: 'They must look after themselves.'"

Such a demand was not justified by any victories which England had yet won in America. The situation in Europe was becoming more and more critical. Our old friend of the X.Y.Z. despatches, Talleyrand, was serving as an unconscious friend of America, by dividing the late allies on the question of the partition of the spoils. A new war seemed likely with England and France ranged against Russia and Prussia, and no one knew just how long Napoleon would remain in Elba. Castlereagh saw

that the question of the West would make the war popular in America. Accordingly on September 26, the English commissioners receded from a demand which would have permanently limited American expansion into the West. By their firm refusal even to refer such a demand to their government, the Americans, who were in close touch with all the favorable elements in their situation, had won a great diplomatic victory.

The very day after this all important decision, news arrived in London that an English army under Ross had routed the American militia at Bladensburg, had driven the President of the United States out of the national capital to avoid capture, and had burned the public buildings in Washington. Prevost was marching with an army of ten thousand seasoned men by way of the Richelieu River and Lake Champlain into New York, and Ross expected to capture Baltimore and New Orleans before the close of the year. The English demands immediately stiffened. They now sought a treaty which should acknowledge existing conquests, the so-called principle of *uti-possidetis* instead of the American desire that all things should return to the *status-quo-ante-bellum*. The new English demand meant substantially that America was to resign to England the Great Lakes and in addition was to be compelled to draw a line from Plattsburg on Lake Champlain to Sackett's Harbor on Lake Ontario, thus cutting off the whole northern section of the present State of New York. In the meantime the British commissioners delayed the negotiations, awaiting the decisive favorable news which was expected.

But the news never came. Two events took place in America which in relation to the existing peace negotiations were to prove decisive. In September, 1814, the victorious army of Ross was repulsed before the defences of Baltimore, on the occasion which gave to the United

States its national anthem. The decisive victory won by Macdonough, in the same month over the British fleet on Lake Champlain at Plattsburg, blocked the advance of the army under Prevost who was compelled to retreat in order to avoid the danger of such a fate as had befallen Burgoyne.

When the news of these twin catastrophes reached England, Wellington refused to go to America, unless he could be guaranteed the command of the lakes. He pointed out the absence of real conquests on either side, and strongly urged peace on the American terms which would leave the old boundaries unchanged. With such expert advice before them from their foremost soldier, the English government yielded early in November, and the other arrangements were soon made. In the treaty which was signed on Christmas Eve, nothing was said about the old questions of maritime power, which had become obsolete by the ending of the European War, and which might be left to the arbitrament of time. The old rights which England had had to the navigation of the Mississippi, as well as the old American right to fish in Canadian waters, were also left unmentioned. Adams would have yielded the Mississippi navigation to secure the fisheries, but Clay would not agree. There was no possible solution but compromise, and the question of the extent to which the war had impaired the old fishing rights became one of the outstanding problems of diplomacy between America and England, a problem which was not finally solved until it was referred in the twentieth century by two friendly nations to the arbitrament of the Hague Tribunal.

From the point of view of the causes of the original quarrel, the Americans had lost every stake at issue. But considering the extent of the British demands in August and the military danger to which the nation had

been subjected, the result was a diplomatic victory of the first order. In this result, the decisive influences had been first the complications at Vienna and second the brilliant naval victory at Plattsburg. The American commissioners had played their cards well and had taken full advantage of every break in the game. It is a curious fact that a nation without a navy had first saved the West from the greatest naval power in the world by a victory on Lake Erie, and had then saved the North by another unexpected success just a year later with a little fleet on Lake Champlain. To the final result, the unknown captain of many an American privateer, searching the seas in quest of gain, had contributed his full share.

On account of the slowness of communication the war had its epilogue, which could not affect the result, but which offset for American prestige the disgrace of Detroit and Bladensburg. In the Southwest, as a by-product of the long contest, Madison had been able to seize the region called by the Spaniards West Florida, including the present gulf coast of the States of Alabama and Mississippi, with the important port of Mobile. This region the Americans claimed, on somewhat shadowy grounds, as part of the Louisiana purchase. The land as far east as the Pearl River had been annexed in 1810, and the remainder had fallen into the American possession in 1812.

The American commander in the Southwest was the able and indefatigable frontier soldier Andrew Jackson of Tennessee. He had defeated the long feared southwestern Indians at Horseshoe Bend, and had compelled them to sign a treaty which opened a large part of the Southwest to settlement.

On the very day when the treaty was being signed in the distant Flemish city, Andrew Jackson, entrenched before New Orleans, found himself faced by a formidable

English army under Pakenham, an old-time associate of Wellington, which had just planted itself between the river and the marsh below the city. In a preliminary artillery duel, the English guns, which had been landed with infinite pains from the fleet, were silenced by the superior marksmanship of the American artillery. Pakenham was compelled to make a direct frontal assault on the very strong American position. He expected the Americans to flee without a fight as they had at Bladensburg. But under able leadership, they held their ground and threw the soldiers, who had won renown on the greatest battlefields of Europe, shattered and broken back to their camp. The leader was killed as well as many of the officers who had bravely attempted to rally the soldiers. The American loss was very slight, and the army of which so much had been expected by the English commissioners at Ghent, was compelled to take to their ships. The incident had made the one national hero of the war on land, and to this day in parts of the American West, January eighth is celebrated as Jackson's day.

The news of New Orleans and of the treaty of peace reached Washington at almost the same time. The "ambassadors" who had just arrived with the demands of the Hartford Convention were laughed out of court. It is curious to notice that one of the provisions of the Treaty of Peace on which the English commissioners had insisted was that it should be ratified without any amendments by the Senate. But the Senate had no desire to change a single word even if that had been possible, and the Treaty of Ghent was promptly ratified and signed.

Albert Gallatin, who had borne so conspicuous a part in the proceedings, summed up the results of the war to America when he wrote: "The war has been productive of evil and of good, but I think the good preponderates.

Independent of the loss of lives and of the property of individuals, the war has laid the foundation of permanent taxes and military establishments, which the Republicans had deemed unfavorable to the happiness and free institutions of the country. But under our former system we were becoming too selfish, too much attached exclusively to the acquisition of wealth, above all too much confined in our political feelings to local and state objects. The war has renewed and reinstated the national feelings and character which the Revolution had given, and which were daily lessening. The people have now more general objects of attachment, with which their pride and political opinions are connected. They are more American; they feel and act more as a nation; and I hope that the permanency of the Union is thereby better assured."

England too had gained by the concessions that had been made so reluctantly at Ghent and which were so largely due to the tact of Gallatin and the farseeing wisdom of the Duke of Wellington. It is perfectly apparent today that the idea of an Indian buffer state under the British control would only have been the source of continual war and misunderstanding. At best, if the desires of the newspapers had been carried out, American capital and energy would have been directed in the next few decades to the sea instead of to the West, and England would have created a great commercial rival. The development of the great granary on which her industrial rise so largely depended would have been greatly delayed. England would have retained a fur trade at best temporary and would have lost permanent advantages. Similarly, the second English demand for the control of the Great Lakes was much more wisely solved when in 1817 the lakes were made the scene of the first international experiment in disarmament, an experiment,

which in spite of many occasions for differences of opinion has played its part in a peace which has now endured for more than one hundred years, and which has been crowned at length with common participation in a war even more bitter than those which led to the old estrangement. The treaty which was signed by the representatives of the two English-speaking peoples on that day before Christmas of 1814 proved to be in the long run a real and substantial victory for both belligerents.

CHAPTER XIII

THE NEW NATIONALISM (1815-1824)

THE news of the signing of the treaty of peace and of the great victory at New Orleans came to the administration of James Madison and to the people of the harassed nation like a reprieve from doom. Six months before, the secession of New England, the curtailment of national boundaries, and the virtual loss of independence had seemed by no means impossible. Now all was changed. The defeats, the disappointments of the earlier years were forgotten, and no one cared that the treaty of peace did not mention the freedom of the seas which had been the object of the original quarrel. Men who had doubted the future of American institutions, breathed freely again, and spoke of the Constitution and the Union in terms which in other countries and other times have made the material of heroic legends. The central facts of the years after the second war with England were the emergence in many ways of the spirit of nationalism and the attempt to reconcile this spirit with the growing economic differences between the chief sections of a far flung people.

The most evident expression of this new spirit was the virtual disappearance of two parties. The practical necessities of national administration had led the old Republican party to give up little by little all real insistence on the strict construction of the Constitution.

By the Louisiana purchase, the embargo, and the various measures made necessary by war, national power had been extended even beyond the hopes of Alexander Hamilton. The Federalists had become a mere sectional group, entirely discredited by a policy of opposition in the face of a foreign enemy which had come close to the border of open treason. Patriotic Federalists like John Quincy Adams found it necessary to leave their old party allegiance and easy to join with opponents whose ideas had become so much like their own.

Personal and sectional animosities and ambitions did not disappear so easily. The selection of the President became the function of a congressional caucus, whose nomination, in the absence of organized opposition, was equivalent to an election. In such a caucus James Monroe won a close decision over William H. Crawford of Georgia, and held office without further serious opposition for eight years. The presidential election had become a mere ratification of decisive congressional action.

In the meantime, Congress had given legislative expression to the new nationalism by adopting a protective tariff designed to encourage the industries which had begun to flourish under the still more beneficent protection of embargo and of war. It was noteworthy that this measure received the support of Calhoun and of Madison, who in an earlier time had made valiant arguments for the principles of free trade. It was even stranger to find the party which still claimed Jefferson for a father creating a second national bank, very similar in organization and purpose to the one which Alexander Hamilton had sponsored in the early days of the Republic, and whose charter had been allowed to expire in the year before the war. The pressing economic demand for a sound currency and for an institution which should be able to check the issue of worthless notes by state banks,

served thus completely to destroy the old constitutional scruples. The only effective voice against this policy was that of the brilliant and eccentric John Randolph of Roanoke, who uttered unheeded warnings against the new nationalism in the name of a new sectionalism. His voice was half prophetic and half a ghostly reminiscence of the past.

The powers of the nation, at last released, expanded in every direction. New England, which had been almost exclusively commercial and agricultural, saw a great development of manufactures. The old household and domestic methods of manufacture began to disappear, and factories, using modifications of English inventions, were built at the falls of the rivers for the production of cotton, woolen, and leather goods. Cities sprang up from villages and older cities grew in numbers in spite of the constant drain of population out through New York into the beckoning West. Pennsylvania became a great manufacturing state, the center of the iron industry of the nation. All signs pointed to the coming of a real industrial revolution. Pittsburgh grew from a village to a town. The first steamship was launched on the waters of the Ohio in the year before the war, but regular traffic for passengers and freight did not become important until 1816. From that time on, the steamer became the chief means of communication on the Great Lakes and on the waters of the Mississippi. Cincinnati, Louisville, and New Orleans became thriving cities. The road from Cumberland, on the Potomac, was pushed rapidly into the West with the aid of national funds, and the construction of the Erie Canal, sponsored by the foresight of DeWitt Clinton, was begun in 1817 and finished in 1825, laying the foundations for a new prosperity in New York. Freight rates were immediately reduced, and the fact that the canal paid for itself within ten years,

made it the precursor of others which did not succeed so well.

The age of the factory and of iron had come, but the human factors in the great transformation did not gain an immediate benefit. Hours of labor were still from sunrise to sunset, with perhaps an hour free at dinner time, and in busy times men were accustomed to work fourteen, sixteen, and even eighteen hours. The best paid laborers seldom earned more than a dollar a day, and wages of three or four dollars a week were more common. In many occupations which had recently passed into the factory stage, piece wages were more common than payment by the day or the week. Child labor was almost universal in performing tasks for which no great strength or dexterity was necessary, and children of nine or ten of both sexes were often compelled to work from sunrise to sunset or even longer. Debtors were still imprisoned for even the smallest debts, and were required to maintain themselves in prison. The worst criminals were herded with children who had committed a minor offence. In the absence of insane asylums, the insane were usually left with their families, unless they became dangerous and violent, when they were placed in the common jail, sometimes in the same room with the criminals and the debtors. In most states schools were in existence, but these were generally private and were attended by only a small part of the population. The laboring classes, especially in the cities of the Northeast, became self-conscious, and in imitation of a similar movement in England where the end of the Napoleonic wars had stimulated the same industrial results, organized into trade unions. These were at first largely social in their purposes, but in spite of the opposition of the law, they began a feeble agitation for a ten-hour day, for higher wages, for compulsory education, for the abolition of child

labor, and for a larger measure of political democracy. The strike was increasingly resorted to to secure more favorable conditions of labor. New England, which had been the home of free trade sentiment, came to advocate high protective tariffs. Daniel Webster spoke vigorously in favor of low tariffs in 1816 and in 1824, but in 1828 he had become converted to the doctrine of high protection, just as Calhoun who had been one of the authors of the tariff of 1816, became convinced that protection was not only unjust to the South but also a violation of the Constitution. Massachusetts, which had been the center of the feeling for state rights, became the very home of nationalism, and South Carolina, once regarded as safely Federalist, came to demand the narrowest interpretation of national powers.

Population was not only growing very rapidly, but shifting even more rapidly. Men were beginning to move from the country to the towns, and immigration from Europe increased from about five thousand a year to more than twenty thousand. Many of the newcomers were of Irish and German stock, seeking better economic conditions in the new world. Above all, through all the passes of the mountains and by all the rivers, families of the more discontented and the more adventurous were pushing a great wedge of population into the new West. As frontier communities grew into states, these came to hold the balance of power in the national legislature.

A contemporary account gives a clear picture of this westward movement: "Generally, in all the western settlements, three classes, like the waves of the ocean, have rolled one after the other. First comes the pioneer, who depends for the subsistence of his family chiefly upon the natural growth of vegetation, called the 'range,' and the proceeds of hunting. His instruments of agriculture are rude, chiefly of his own make, and his efforts usually

restricted to a crop of corn, and a 'truck patch.' The last is a rude garden for growing cabbage, beans, corn for roasting ears, cucumbers and potatoes. A log-cabin, and, occasionally, a stable and corn-crib, and a field of a dozen acres, the timber girdled or 'deadened,' and fenced, are enough for his occupancy. It is quite immaterial whether he ever becomes the owner of the soil. He is the occupant for the time being, pays no rent, and feels as independent as the 'lord of the manor.' With a horse, cow, and one or two breeders of swine, he strikes into the woods with his family, and becomes the founder of a new county, or perhaps State. He builds his cabin, gathers around him a few other families of similar taste and habits, and occupies till the range is somewhat subdued, and hunting a little precarious, or, which is more frequently the case, till neighbors crowd around, roads, bridges and fields annoy him, and he lacks elbow room. The pre-emption Law enables him to dispose of his cabin and corn-field, to the next class of emigrants, and, to employ his own figures, he 'breaks for the high timber,' 'clears out for the New Purchase,' or migrates to Arkansas, or Texas, to work the same process over.

"The next class of emigrants purchase the lands, add field to field, clear out the roads, throw rough bridges over the streams, put up hewn log houses, with glass windows, and brick or stone chimneys, occasionally plant orchards, build mills, schoolhouses, court houses, and exhibit the picture and the forms of a plain and frugal, but civilized life.

"Another wave rolls on. The men of capital and enterprise come. The 'settler' is ready to sell out, and take the advantage of the rise of property,—push farther into the interior, and then himself become a man of capital and enterprise. The small village rises to a spacious town or city; substantial edifices of brick, extensive

fields, orchards, gardens, colleges, and churches are seen. Broadcloths, silks, leghorns, crapes, and all the refinements, luxuries, elegancies, frivolities and fashions, are in vogue. Thus wave after wave is rolling westward:—the real 'el dorado' is still farther on.

"A portion of the two first classes remain stationary amidst the general movement, improve their habits and condition, and rise in the scale of society."¹

By such a series of waves of population, new states rapidly developed in the open lands of Indiana, Illinois, and Michigan. The process was quickened, but it was essentially similar both in methods and in results to the earlier movements which in colonial days, had filled the spaces east of the mountains, and of the later movement into the still more distant West. The Southwest, soon to comprise the states of Alabama, Mississippi, Missouri, and Arkansas, was occupied in a similar fashion, except that the process was if anything more rapid, and entered still more quickly on the last stage. The man of capital in this region was the slave-holder, who came from the older settlements near tide water and displaced the smaller settlers, who became the owners of farms in the states north of the Ohio. The Southwest became in an incredibly short time a region of great plantations, the seat of a great planter aristocracy, at a time when the war whoop of the Indian had barely ceased to ring through the forest.

The extension of the cultivation of cotton, first into the uplands, and later into the new, rich lands of the Southwest produced in the South a complete economic revolution. From eighty-five million pounds in 1810, the annual crop rose to one hundred and sixty in 1820, and to three hundred and fifty in 1830. On account of the ex-

¹ J. M. Peck. *A New Guide for Emigrants to the West*. Boston, 1837. 119-121.

tensive and wasteful methods of cultivation, the value of the crop per acre declined, but the value per slave increased. Slaves who had been worth no more than one hundred and fifty dollars at the beginning of the movement, were now sold for four hundred and even seven hundred dollars apiece. With this immense increase in production, the price of cotton declined from forty cents a pound to about fourteen. The cotton country came to sell more than half the total exports of the nation, and to depend on the Northeast for all of its manufactured articles, and on the new West for its food supplies. The nation had become divided into three economic sections, united by trade relations which were not reciprocal. The West bought manufactured articles in the East and sold its surplus in the South. The South bought food in the West and manufactures in New England, but shipped its great crop to England. This was the basis of a new alignment in which, in the relations of the three sections, there was as much rivalry as coöperation.

The very essence of the prosperity of the South was the supply of a large body of cheap land. The process of growth is described by a southern newspaper as "making more cotton to buy more negroes to raise more cotton to buy more negroes." With the decline in the price of cotton and in the absence of the necessary resources in land, there was a marked decrease in the prosperity and influence founded on tobacco and rice of the tidewater region which had once been the home of the older aristocracy. Land became almost unsaleable, and the only important source of revenue lay in the breeding of slaves for sale further south. It is estimated that in the period which we are considering and in spite of the great reluctance of the older families, six thousand slaves were exported from Virginia every year. The character of

the institution gradually changed from the semi-patriarchal type of old Virginia to a newer and more distinctly commercial relation. Above all the attitude to slavery in the South changed too. The leaders of the old South had regarded slavery as a necessary evil, to be abolished at the earliest opportunity. Even as late as 1820, Thomas Jefferson felt that in slavery the South had a wolf by the ears without knowing how to let go. Speaking of its opponents he said, "They are wasting Jeremiads on the miseries of slavery, as if we were advocates for it. Sincerity in their declamations should direct their efforts to the true point of the difficulty, and unite their counsels with ours in devising some reasonable and practicable plan of getting rid of it." Curiously enough, Jefferson and his friends desired the extension of slavery into Missouri, in the hope that such a step might tend to diffuse it and lessen its importance in the older slave regions. But a new school of more realistic leaders was coming to power who frankly recognized slavery as the essential basis of southern prosperity, and who believed in the economic and the political necessity for constant expansion. Slavery from being regarded as evil, was now looked on as necessary, natural, and good. The opportunity for voluntary and gradual abolition had passed. Slavery had struck its roots deep into the fertile soil of the new West.

When, in 1818, the wedge of western expansion had spread into Missouri, two great problems were presented for solution,—the economic question of the right of slavery to expand and the constitutional question of the right of Congress to admit a state subject to a special condition which should forever prevent slavery. These issues had become sharp because the free states were now in control of the House of Representatives, while the South had the balance of power in the Senate. The old leaders in New

England had looked with reluctance on every extension of territory into the West. As we have already seen, they had definitely opposed the acquisition of Louisiana, and in the year before the war Josiah Quincy had threatened the secession of New England if Louisiana should be admitted as a state. The old ground of opposition had been the danger of draining away the population of the East and the reduction of land values, as well as the diminution of the comparative political importance of the older states. Events had been too strong, and the nation was now committed to western expansion. The growth of manufactures which might find a ready market in the West had reconciled even the most bitter to the admission of new states. The issue had changed and with the necessity for the reduction of the area of slavery, the conservative statesmen of the Northeast now used the language of nationalism rather than state rights. For only the nation could prevent the extension of slavery, and only the states could protect it.

In the great debates on the admission of Missouri with or without slavery, the chief speeches were delivered by Rufus King on the one hand, and by William Pinkney of Maryland on the other. "I went up to the capitol," says John Quincy Adams in his diary for February 11, 1820, "and heard Mr. King in the Senate, upon what is called the Missouri question. . . . His manner is dignified, grave, earnest, but not rapid or vehement. . . . He laid down the position of the natural liberty of man, and its incompatibility with slavery in any shape. . . . He spoke with great power, and the great slaveholders in the House, gnawed their lips and clutched their fists as they heard him." Sentiments which Adams, as a candidate for President, we may be sure, did not allow to go outside of his diary! King argued that the power to admit new states carries with it the

right to impose the conditions of admission, and that such a condition may be enforced by the national judiciary even after the admission of a state: "Should the new state rescind any of the articles of compact contained in the act of admission into the Union . . . and should it pass a law authorizing slavery, the judiciary of the United States on proper application, would immediately deliver from bondage, any person retained as a slave in the said state."

William Pinkney was the most famous lawyer of his day, now coming to the close of a great career. He spoke four days later with fiery passion, only restrained by the logical training of the practiced lawyer: "New States may be admitted by Congress into *this* Union. What is this Union? A confederation of States equal in sovereignty, capable of everything which the Constitution does not forbid or authorize Congress to forbid. . . . You cannot make the Union, as to the new State, what it is not as to the old; for then it is not *this* Union that you open to entrance of a new party. . . . To admit or not is for you to decide. Admission once conceded, it follows as a corollary that you must take the new State as an equal companion with its fellows."

As a result of a compromise, the South gained on the essential constitutional point, for Missouri was admitted without the obnoxious condition, that is as a slave state. On the territorial question, the immediate victory was with the North. Slavery was prohibited in all the great area north of the southern boundary of Missouri,¹ and since the settlement of this region seemed at the time remote, only the most farsighted Southerners were dissatisfied. Comparative political strength in the Senate was

¹ This provision was in line with, and in fact a territorial expansion of the prohibition of slavery in the Northwestern territory, contained in the Ordinance of 1787.

left unchanged by the admission of Maine as a free state. From that time on, it was never seriously argued that Congress could interfere with slavery within the limits of a state. The more difficult question of the territories was left to plague the next generation.

On beyond the Missouri country a still more primitive type of advance was pushing on into the valleys of the Rocky Mountains and through them to Oregon and California. As Professor Turner has shown, history was repeating itself, and the trader and the trapper were to be followed by the missionary, the pioneer, and the settler. Using St. Louis as a base, the agents of the Rocky Mountain Fur Company became familiar with the beaver valleys of the mountains and discovered the chief routes through which in later days the tide of western settlement was to run. By way of South Pass, which bore the same relation to the far West that the Cumberland Gap had to the country across the Alleghenies, the fur trader explored the basin of the Great Salt Lake, began to trade with the Spanish settlements in California, and reached the posts of the rival Hudson's Bay Company in Oregon. The far West was also made familiar by the annual voyages of New England vessels bound for China, which had begun when in 1792 Captain Gray entered the mouth of the Columbia River. After the Mexican Revolution in 1821, traders from St. Louis used the old Santa Fé trail, and carried cotton goods and articles of luxury to exchange for mules and silver from Mexico. Beginning in 1834 missionaries and settlers reached Oregon and helped to make permanent the process that had been begun by the hunter and the trader.

The Oregon country was a kind of no man's land, the ownership of which was to be settled by diplomacy. The Spaniard had established his missions and presidios in California about the time of the American Declaration

of Independence. But the northern boundary of California was at best vague. In Alaska the Russians were equally established, and were beginning to extend their trading stations and their claims far down the coast. The only American post, founded at the mouth of the Columbia River by John Jacob Astor just before the outbreak of war, had been lost to the Hudson's Bay Company by the treachery of his men, and the agent of the company, a remarkable Scotchman, Dr. John McLoughlin, became the uncrowned and kindly ruler of this vast middle region, which seemed destined to become an extension of the British Empire.

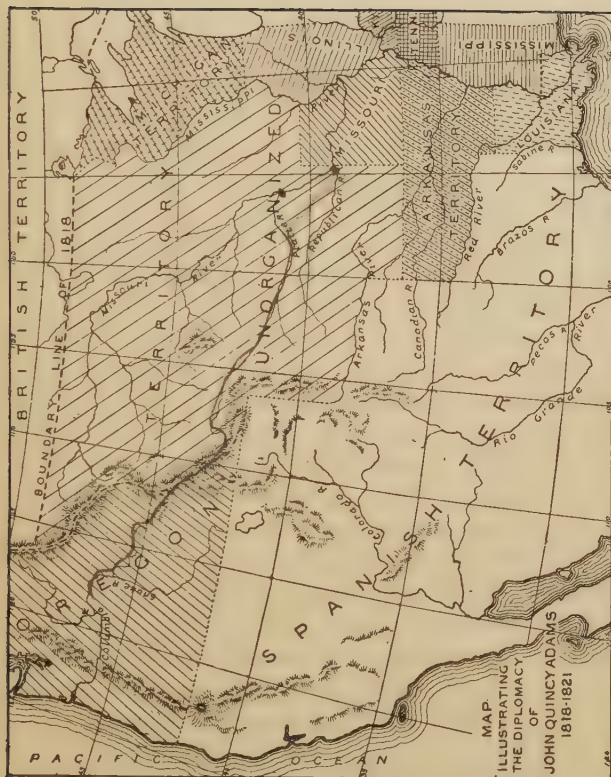
The diplomatic situation was still further complicated by the fact that the northern boundary of the Louisiana purchase from the Lake of the Woods to the mountains had never been settled. During the war the British had occupied Chicago and the region south of Lake Superior, and had seemed likely to make themselves permanent masters of the whole Northwest. The extreme American claims to Texas and to West Florida as parts of the Louisiana purchase had never been accepted by Spain and were shadowy at best. East Florida had been a British base during the war and was now the source of depredations by Indians and by negroes. West Florida had been annexed in 1810 and 1813, carrying the future states of Mississippi and Alabama to the gulf, and the Southwest, under its victorious hero, Andrew Jackson, was demanding the acquisition of the whole of Florida, where the Spanish government was evidently unable to maintain the semblance of order. Claiming authority from the President, Jackson in 1818 pushed with a small army into Florida, captured the two Spanish forts of St. Marks and Pensacola, compelled the withdrawal of the Spanish governor and garrison, defeated the Seminoles, hung two of their chiefs, shot a British

soldier of fortune, the unlucky Ambrister whom he found among the Indians, and hanged a Scotch trader from the yard arm of his own schooner. The result of this remarkable punitive expedition into what was at least nominally the dominion of a friendly power was to bring the United States close to the verge of war with Spain, whose anger was not dangerous, and with Great Britain whose support was essential to the success of American diplomacy. Jackson could not be reprimanded but he was recalled, and Spanish authority was temporarily reestablished.

The Secretary of State in the cabinet of James Monroe was John Quincy Adams of Massachusetts, fitted by the qualities of his mind and by long diplomatic experience to help unravel the tangled skein of diplomacy. Without the politician's capacity to win personal friends, he had patriotism, energy, and ability. He held in his hands two trump cards of great importance whose significance he fully understood and knew how to use. The great European alliance which had been formed to defeat Napoleon in 1813, had now fallen under the influence of the Czar of Russia, and was being used to discourage representative institutions and to make Europe entirely safe for autocracy. England maintained her nominal membership in this group, but found herself increasingly out of sympathy with its aims, and in a position of dangerous isolation. Her commerce with the revolted South American colonies was essential to her recovery from the losses of the great wars, and she feared, and wisely feared, a joint movement by France and Spain to reestablish the power of the Bourbons over the old Spanish Empire. Spain too had her hands more than full. The great revolt against her authority had seemed likely to break down until in 1817 the situation had been saved by the brilliant military exploits of Bolivar and San Martin.

Neither England nor Spain desired or could afford any further enemies, and the whole situation aided the diplomacy of the astute Adams.

Never in the course of American history has diplomacy moved so quickly and so fortunately to its ends. In 1817, an agreement was made with England by the exchange of diplomatic notes, decreeing virtual disarmament on the Great Lakes, an arrangement that has been scrupulously adhered to by both nations from that day to this and which has averted more than once the danger of another costly war. One year later the difficult question of the northwest boundary was settled. The line was to run from the Lake of the Woods due south to the forty-ninth parallel of latitude, and along that boundary to the Rocky Mountains. The Oregon question was postponed and that country was left to the joint occupation of both powers without prejudice to the claims of either. With the rising tide of western settlement, time seemed likely to work to the advantage of the American claims. Spain, unsupported by the English fleet and fearful of American intervention in South America, yielded the whole of Florida to the United States. At the same time the western boundary of Louisiana was settled. The United States gave up her extreme claims to Texas, and the line ran by the Sabine, the Red, and the Arkansas rivers to the forty-second parallel of latitude, which became the northern limit of California. The enemies of John Quincy Adams never forgave him for yielding Texas at the very moment when emigration was ready to spread into that imperial region, but he had gained everything for which American diplomacy had been pressing. The Florida treaty, signed in 1819, was not ratified by Spain until 1821, and was quickly followed by the recognition of the independence of the Spanish American Republics, in Monroe's message of the eighth



A Map Illustrating the Diplomacy of John Quincy Adams. (1818-1821)

of March of 1822. One year earlier the first American colonists under the leadership of Stephen F. Austin had settled in Texas, creating almost immediately a new problem of expansion.

In the meantime the United States and England were sharply confronted by a new and common danger which tended to draw the two nations into a single diplomatic policy. Revolts against autocratic power had broken out in Piedmont, Naples, and Portugal, and the Spanish army had risen to compel Ferdinand the Seventh to restore the old and liberal constitution. In the face of this danger the rulers of Austria, Russia, Prussia, and France made common cause, legislating for the whole of Europe, and sending armies to suppress these dangerous insurrections. Greece was also in revolt against Turkey, tending to disturb the carefully balanced arrangements of the Congress of Vienna. At the Congress of Verona, the policy of the Holy Alliance was definitely stated in terms which virtually compelled the withdrawal of England:—"The high contracting powers being convinced that the system of representative government is as incompatible with the monarchical principles as is the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known." France was specifically empowered to take an army into Spain and to reestablish the threatened power of the Bourbons.

In the late summer of 1823, an invitation was issued for a congress to meet in Paris and to consider the problem of the Spanish colonies in South America. In the light of the declaration of principles which we have quoted, the purpose of such a meeting could not be mis-

understood. On receiving this invitation, so ominous to British commerce and to the balance of world power, George Canning, the British foreign secretary, immediately called the American minister, Richard Rush, into conference and suggested joint action by the United States and England to prevent the threatened conquest of the newly created South American republics. Rush hesitated because he did not have authority to take so momentous a step and because England had not recognized the independence of these states. Such action, before recognition took place, might merely lead to a further virtual extension of the British Empire.

When the correspondence from Rush arrived in Washington, Monroe consulted with Jefferson and Madison, and all three agreed that the time had come to abandon the traditional policy of American isolation, and, in the face of a new danger, to make common cause with England. With Russia in the northeast and with Spanish territories to the south, any movement on the part of the Holy Alliance would inevitably draw America into war. Jefferson especially felt that an agreement with England would be the surest way to prevent war. Such an alliance would be for an American and not a European purpose.

Against this view, were the opinion and the arguments of the Secretary of State, John Quincy Adams. He believed that we could accomplish everything we desired without committing ourselves to joint action with England, and so being drawn "like a cock-boat in the wake of the British man of war." His cautious policy prevailed, and Monroe was persuaded to state the American position in his message of December, 1823, without any reference to the British invitation from which the original suggestion had come. The policy of preventing European encroachments in America was an old one. It

had been the chief reason in the mind of Jefferson when he urged the purchase of Louisiana. Applied before in special cases, it was now made possible on a larger field, on account of the intense sympathy which Americans felt for the revolted South Americans, and especially by the knowledge that back of the declaration lay the strength of the British navy. The phraseology of the document and the idea of preserving full liberty of action by making it a purely American declaration were due entirely to the wisdom of Adams.

In its original form the Monroe doctrine contained three clear cut ideas. America was to be no longer considered a scene for future colonization. Any attempt to extend the monarchical system of government to the newly established republics, or to intervene in their affairs to control their destiny, would be regarded as the manifestation of an unfriendly disposition to the United States. America, on her side, had no desire or intention to take part in the wars of European powers in regard to matters which did not concern the safety or the interests of America herself. These were general expressions, but translated into the concrete terms of the diplomatic situation, they meant that Russia could not hope to extend Alaska to the south, that the Holy Alliance would not be allowed peacefully to help Spain to recover her lost empire, and that America would not allow her sympathies to carry her, with England or without England, to the point of fighting the battles of Greece on European soil.

In the meantime, Canning, in despair of being able to persuade the United States to join with him in his policy, had decided to act alone. Late in the fall of 1823 he had an interview with the French Ambassador in which he warned France that any attempt by the Holy Alliance to intervene in South America would be the signal for the immediate British recognition of the independence of the

revolted colonies. Confronted with this threat, France receded from her earlier position which was hopeless in the face of British opposition, and acknowledged that the attempt to win back South America for her ally was impossible. In this way, the original purpose of the Monroe doctrine was ratified abroad even before it was promulgated.

The Monroe doctrine has undoubtedly helped to keep America free from the imperial rivalries which have been so prominent in Asia and in Africa in the last century. But this success and the fact that it was sometimes used in later times against England herself, should not blind us to the plain historical fact that its original strength was largely due to the fact that it represented concurrent, though not joint, action with England. Canning could boast with some truth, "I looked another way—I sought for compensation in another hemisphere. Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be with the Indies. I called the New World into existence to redress the balance of the Old." Parliamentary oratory, of course, but containing something of the truth! As Professor Latané has pointed out, American isolation in policy has been made possible by the fact that in each crisis America was not really isolated in fact. Within a year, the great policy had borne concrete fruit, and Russia had agreed to make fifty-four degrees and forty minutes of latitude the southern limit of her American possessions. Adams had succeeded beyond his fondest dreams.

In this period also, the spirit of nationalism was translated by the Supreme Court under the able leadership of John Marshall into judicial decisions which laid the foundations of American constitutional law. Becoming Chief Justice at a time when the prestige and the pros-

pects of the judiciary were at their lowest ebb, John Marshall had the tact and the personal charm which made it possible for him to win the complete confidence of the other members of the Court, and to dictate decisions which were accepted by his colleagues without dissent. He was a statesman of the school of Hamilton rather than a great lawyer, learned in precedents and in the technical provisions of law. He is said on one occasion to have exclaimed to the younger Story, "There is the law. Now find the precedents!", which, whether true or not, gives an accurate picture of his relation to the other members of the Court and of the nature of his decisions. A large part of the growing fame of Marshall was due to his command of a style of singular clarity and force, which have made some of his decisions live as the speeches of Edmund Burke still live, because they are permanent additions to political literature. He had the statesman's essential patience, which allowed him to bide his time and to state a principle at a time and in a way in which it would meet with the smallest opposition.

The new movement for States' Rights derived its vitality partly from the necessities of frontier communities which needed a free hand to work out their problems, and partly from the growing sense of separate interests between the cotton kingdom and the rest of the nation. Against this movement, which followed so soon on the nationalism which had come from war, the Supreme Court under Marshall set its face as a flint. In a great series of decisions from 1819 to 1824 Marshall stated in judicial language the rival theory that the government of the United States has all the sovereign powers which are necessary to carry out the purposes of a nation. To the aged Jefferson and his followers, the judiciary was "a subtle corps of sappers and miners constantly working under-ground to undermine our confederated fabric."

Marshall, on the contrary, showed that a fundamental principle underlay the details of his decisions: "A deep design to convert our government into a mere league of States has taken hold of a powerful and violent party in Virginia. The attack upon the judiciary is in fact an attack upon the Union." However unjust these two great sons of Virginia were to each other, there can be no doubt that the tendency of Marshall's decisions was to place a great class of property and other rights under the protection of the Constitution and to teach men to look to the nation rather than to the States. Thus at a more critical period, and in a more lasting way, Marshall carried on the work which Hamilton had laid down on the duelling ground at Weehawken.

In *M'Culloch vs. Maryland* (1819), Marshall took up the question of the national bank. The second bank of the United States, like the first, had aroused the deep hostility of many interests in the various states. Two questions were presented to the Court for decision, Has the United States the right to create a bank?, and if so, Can the bank be taxed by an individual state? The questions had much more than legal interest because the year 1819 was a year of panic, which was blamed on the tendency of the bank to restrain the issue of state bank notes. Answering the contention that the establishment of a national bank was not one of the enumerated powers of Congress, and that it was not a "necessary and proper" method of carrying out the other functions of government, Marshall replied in a sentence which has become classic: "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional." Having determined the right of the nation to

establish such a bank, it was easy to decide that it was not subject to state taxation: "The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create." Marshall had stated not only the doctrine of national power, but had shown that such power is in itself a limitation on the ordinary functions of the states.

In *Dartmouth College vs. Woodward*, decided at the same term of court, Marshall gave vitality to the positive restraints on state power which appear in the Constitution. New Hampshire, under a Democratic governor, had determined to make Dartmouth a state institution by giving the power to appoint trustees to the governor. This law ran counter to a charter which had been granted in the eighteenth century and which made the Board of Trustees self-perpetuating. Such a charter, Marshall held to be an inviolable contract, legally protected after the adoption of the Constitution by the phrase which prohibited a state from passing any act which impairs the obligation of contracts. In extending the scope of the word contracts to cover a corporate charter, Marshall frankly refused to be bound by the meaning which the word might have had in the minds of the writers of the Constitution. He thus indicated a tendency to carry both the powers and the limitations of the Constitution to new and unexpected uses, making the instrument itself capable of extension without the constant necessity of amendment.

The same tendency is still more clearly seen in the decision of *Gibbons vs. Ogden*, written five years later, which is probably the most important judicial decision in the course of American history, as it certainly was the boldest and the most original expression of the political philosophy of John Marshall. At the time of the introduction of the steamboat, the inventors, Robert Fulton

and Robert Livingston, had received from the legislature of the State of New York an exclusive grant of the right to use steam vessels within the waters of the state. This privilege had seemed unimportant at the time, but with the rapid extension of steam navigation, especially in the waters of the West, such monopolies, derived from legislative grants might well become the basis of immense economic power. The New York monopoly had not passed unchallenged, and had led to retaliatory legislation on the part of the neighboring states of New Jersey and Connecticut. The whole situation was still further complicated by the fact that licenses were granted to steam vessels under an act of Congress.

The monopoly, amounting to a great property interest, had been in existence for a quarter of a century, when Ogden, one of the successors of the original grantees, sought to prevent encroachments on his exclusive rights. He had won in the New York courts, a decision favorable to the monopoly having been handed down by the celebrated Chancellor Kent. One who knew Marshall might perhaps have easily guessed his decision in *McCulloch vs. Maryland* and in the *Dartmouth College* case. But here was a case where vested rights ran counter to national authority and to the integrity of national power. In this dilemma Marshall did not hesitate to choose, and to sweep away the power of the states to grant such exclusive privileges. Commerce was defined in the broadest terms to include intercourse and navigation. The power of Congress to regulate commerce "with foreign nations, and among the several States, and with Indian tribes" extends into the territorial waters of the various states: "Every district has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union, and furnish the means of exercising this

right. If Congress has the power to regulate it, that power must be exercised wherever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State."

With characteristic caution, a caution which was soon justified by the complex nature of the subject, Marshall refused to go as far as his colleague Johnson or as the counsel for Gibbons. He did not say at this time that the power of Congress was exclusive. In certain circumstances, and for certain purposes, the various States might make laws which amounted to regulations of commerce, but he did decide that when Congress has spoken, the voice of the nation is paramount and all State grants must yield to the national system. Local shackles on national commerce were removed once for all, and the waters of the nation ran untroubled to the sea. Every succeeding event, especially the building of railroads, have justified the farseeing wisdom of a great decision. John Marshall had, perhaps more clearly than any other figure of his time, the claim to the vision of a statesman.

The influence of judicial decisions was much greater on American habits of thought than in any other country in the world. Every man was somewhat of a lawyer. The sympathetic and observant French traveller, De Tocqueville, did not exaggerate when he said: "Scarcely any political question arises in the United States which is not resolved sooner, or later, into a judicial question. Hence all parties are obliged to borrow in their daily controversies the ideas, and even the language peculiar to judicial proceedings. . . . The language of the law thus becomes, in some measure, a vulgar tongue; the spirit of law, which is produced in the schools and courts of justice, gradually penetrates beyond their walls into the bosom of society, where it descends to the lowest

classes, so that at last the whole people contract the habits and tastes of the judicial magistrate."¹

¹ A discriminating study of this subject is Professor Corwin's *John Marshall and the Constitution*.

The most comprehensive and authoritative account of Marshall and his decisions is to be found in the *Life of John Marshall* by Beveridge.

CHAPTER XIV

JACKSONIAN POLITICS (1824-1837)

ON a certain evening in May of the presidential year of 1824, John Quincy Adams, the Secretary of State and one of the three presidential aspirants in the cabinet of James Monroe, made a characteristic entry in his diary: "W. Plumer, a member from New Hampshire, was here this morning. . . . 'I told him that there was no person who could be substituted for Jackson to fill the Vice-Presidency. . . . He would be satisfied, and so would substantially his friends, to be Vice-President. . . . I said the Vice-Presidency was a station in which the General could hang no one. His name and character would serve to restore the forgotten dignity of the place, and it would afford an easy and dignified retirement to his old age. . . .'"

Thus the Secretary of State took counsel of his hopes and consigned his chief rival to a retirement vastly different from the position which he was actually to fill. He showed little appreciation of the rising tide of democracy which was the most significant political movement of the day, and which would inevitably carry its hero on its crest. For then as always the first demand of democracy is leadership, and above all leadership which it can understand. Such a leader American democracy was to find in the battle-scarred old hero, to whom age had brought experience and an increasing store of dignity. The

friends of Andrew Jackson had no thought of any position lower than the first.

There can be little doubt that the chief source of American democracy was the presence of a large body of free land, which made possible the social and economic conditions out of which it grew. The tendency to give political power to an increasing number of people was present from the very beginning. It had been greatly accelerated by the abolition of primogeniture and entail, as a legal by-product of the Revolution. With the growth of the West, it was easy for a man in a new community to be a freeholder and therefore a voter. The new states attracted settlers not only by the economic opportunity which they were able to offer, but by extending the right to vote and to hold office to all who came. In the older states of the East, the freehold limitation still existed, and with the rise of cities and the occupation of all the desirable farms, tended to disfranchise a very large group. This class, which did not own land, and, indeed, could not be expected to without going West, came to demand a share in government. If the East was to compete on equal terms with the West it must eventually grant this insistent demand. One by one, the older communities abolished the property and religious limitations which had come down to them from colonial days and became increasingly like the West in the basis of their politics.

This democratic tendency of the westward movement had indeed been foreseen, and had made many of the older conservative leaders unfriendly to expansion. Nor did they give up the older limitations on the suffrage without solemn warnings to the new generation which they were now unable to control. The matter had come to an issue in New York as early as 1821, and, in the constitutional convention of that year, Chancellor Kent had

spoken with deep feeling of the dangers of unlimited democracy: "The senate has hitherto been elected by the farmers of the state,—by the free and independent lords of the soil, worth at least \$250 in freehold estate, over and above all debts charged thereon. The governor has been chosen by the same electors, and we have hitherto elected citizens of elevated rank and character. Our assembly has been chosen by freeholders, possessing a freehold of the value of \$50, or by persons renting a tenement of the yearly value of \$5, and who have been rated and have actually paid taxes to the state. By the report before us, we propose to annihilate at one stroke, all those property distinctions and to bow before the idol of universal suffrage."

To Kent, and the conservative classes generally, society is an association for the protection of property as well as of life, and the individual who contributes nothing to the common stock should not have the same power in directing the affairs of the great political and social partnership as the man who contributes his thousands. Universal suffrage violates the maxim that no man should be taxed without his consent, because it passes the balance of power to the majority who own no property. These cannot be trusted, for there is a universal tendency, which seemed to Kent to be clearly proved in the pages of history, for the poor to covet and to share the plunder of the rich; for the debtor to relax and to avoid the obligation of contracts; for the majority to tyrannize over the minority, and trample down their rights; for the indolent and the profligate, to cast the whole burdens of society upon the industrious and virtuous.

Kent turned prophetic eyes to the future of the nation. He saw, or he thought he saw, the towns of his day growing into great cities, the small factories expanding into huge

industrial establishments. He saw power passing not to the people, the motley and undefinable population of crowded ports, but to sinister political bosses who would use the votes of the populace to secure selfish personal ends. The mistakes of democracy could never be repaired: "There is no retrograde step in the rear of democracy. However mischievous the precedent may be in its consequences, or however fatal in its effects, universal suffrage never can be recalled or checked, but by the strength of the bayonet. We stand, therefore, this moment on the brink of fate, on the very edge of the precipice. If we let go our present hold on the senate, we commit our proudest hopes and our most precious interests to the waves."

Kent and his followers were making a brave stand against the inevitable. From their point of view they were doubtless more than partly right. But it was precisely their point of view as to human nature and their definition of society that their opponents were unwilling to concede, and which, indeed, cannot be conceded without acknowledging that democracy is an impossible ideal of government. The democrats denied that property, as such, should ever be the basis of representation. Wealth and intelligence would always have their due share of influence, and perhaps even more than their due share. "Our community is an association of persons, of human beings, not a partnership founded on property." So, for the last time in many years Americans made their contribution to what still remains the most difficult, as it certainly is the oldest, subject of political controversy. From the time when universal suffrage was adopted in the various states, all men came to use the language of democracy, even when they were only partly converted to its principles. Popular sovereignty became the necessary axiom of politics. To Andrew Jackson, the voice of the

people, speaking in duly authorized majorities, was the voice of God. It was this profound and sincere conviction which came to him out of the very air he breathed which helps to explain elements in his career, that otherwise appear vague and inconsistent. In contrast to his great predecessor, Thomas Jefferson, Andrew Jackson was socially and politically a democrat by instinct rather than by choice.

Under the skillful and unselfish guidance of his old friend and neighbor, Major William B. Lewis, Andrew Jackson found himself nominated by democratic legislatures in the West and by still more popular conventions in the East for the office of President of the United States. In view of the advanced age of the General, Calhoun was persuaded to give up his own somewhat slender chances of election and to accept the position of Vice-President, which Adams had so naively suggested for Jackson, and which seemed to make him the natural heir apparent to the most coveted post in the gift of an awakened people. The result of this entirely disconcerting candidacy of a great popular hero, was to bring to the polls many who had never troubled to exercise their privileges even when they had them. The electoral vote in the election of 1824 was divided between Jackson, Adams, Crawford, and Clay, and, under the provisions of the twelfth amendment, the selection of the president from the first three was left to the House of Representatives voting by states. Clay had been eliminated, as he was to be eliminated more than once again, but he had enough friends in the House virtually to be able to dictate the decision among his three rivals. Crawford was incapacitated by illness, and before he left Kentucky, Henry Clay had decided to throw his influence to John Quincy Adams, in spite of the fact that Jackson had a larger electoral vote. The strength of the popular vote

was somewhat difficult to determine as electors were still chosen in many states by the legislatures rather than by direct vote.

The chief interest of the election of 1824 lies in the fact that the method used to elect a President when none of the candidates had a majority in the electoral college is the one which would still legally apply in a similar case, and that it has not been used since that time on account of the tendency of political parties to concentrate on two and only two strong candidates. During the canvass in the House, the atmosphere of Washington seethed with intrigue and with rumor. When Adams was chosen and later announced that Henry Clay of Kentucky had accepted the post of Secretary of State in his cabinet, it was easy for the defeated partisans to convince themselves, and to announce without much proof, that the election was the result of a corrupt deal, and that Henry Clay had been bribed by an office to thwart the will of the people. In spite of angry denials and even threatened duels, the charge lived on and became the foundation-stone of a new party which was already determined to elect President in 1828 the hero of New Orleans. In the vitriolic words of John Randolph of Roanoke, who always showed a keen sense of other people's misdeeds, the administration of John Quincy Adams was the partnership "of a Puritan and a blackleg." In accepting the office of Secretary of State, Henry Clay had showed that his political sagacity was not equal to his eloquence and great personal magnetism. It was the first of many blunders which kept from him the great office which he coveted.

The satisfaction of John Quincy Adams with the result of the election was natural and profound. When the result was announced on February 9th, he wrote in his ever faithful diary: "May the blessing of God rest upon

the event of this day!—the second Wednesday in February, when the election of a President for the term of four years from the fourth of March next, was consummated.” He received with satisfaction which he could not conceal the congratulations of his friends, and in the evening attended a reception at the White House, where he met and shook hands with the defeated candidate, who, to his evident surprise, “was altogether placid and courteous.” Indeed, it was recorded by some observers, that Jackson was the more composed of the two. In the evening, Adams took time at the end of a busy day to write to his aged father and to ask for his blessing and prayers on the event of the most important day of his son’s life.

But it was not the most important day in the life of John Quincy Adams, as the event was to show. It was more nearly the end of a great career than the beginning, and today John Quincy Adams is remembered more for the part which he played as Secretary of State and for the later part which he was again to play on the floor of the House of Representatives than for anything which he was able to accomplish as President of the United States. Fate plays curious tricks, and John Quincy Adams, who might well have succeeded earlier, with manners austere and rather forbidding, had become President precisely at the moment when democracy had become self-conscious. Without the arts of the practical politician, he found himself matched by the most astute political leader of his day, the newly elected Democratic Senator from New York, Martin Van Buren, once a follower of the waning fortunes of Crawford, but now fully committed to the leader from Tennessee. Under the influence of Henry Clay, Adams sought to secure participation in the great Pan-American conference planned by Simon Bolivar, to meet at Panama, at the

very time when the country was fully convinced of the wisdom of his own earlier policy of American isolation. He found himself urging the expenditure of funds for internal improvements and for the building of a great national university, when the tide of nationalism which had followed the war was beginning to run strong in the direction of economy and States' Rights. His very virtues, which were many and sincere, prevented success in the complicated politics of his day. For he refused to bow to the spoils system which was already familiar in the states. He retained in public office and even in his cabinet enemies who were already plotting his overthrow. The result could not long be in doubt, and, in 1828, Andrew Jackson, whose campaign had been ably managed by close friends, was carried on an overwhelming flood of sentiment into the office of which he was now convinced that he had been unjustly deprived four years before. "Let the people rule!"

To Andrew Jackson at the Hermitage, there was, however, bitterness in the moment of victory. He sat tearless all night by the bier of his wife, as if by the strength of a mighty will he could bring her back to life and change the inevitable. The first popular campaign had been singularly scurrilous. Among the charges and counter-charges which flew thick and darkened counsel, the enemies of Jackson had alleged a technical irregularity in the marriage forty years before. In spite of the purity of his wife's character, and of her long life of devotion to her husband, who idolized her in return, opposing newspapers had not hesitated to call Andrew Jackson an adulterer, and when his wife failed and died, Jackson believed that she had been murdered by his enemies.

In the spring of 1829 Andrew Jackson threw off the lethargy of grief, and went by steamer to Pittsburgh and in his own carriage enjoyed a triumphal journey across

Pennsylvania to the capital. The crowds of people were coming from great distances to witness the inauguration of their leader. "I have never seen such a crowd before," wrote Webster to his brother, "persons have come from five hundred miles to see General Jackson, and they really seem to think that the country has been rescued from some dreadful danger." There was impressive dignity in the scene as the son of the western frontier took the oath of office from the great Chief Justice, who represented so much which was different in national thought. It was a sad moment to John Marshall who feared that the new President might undo much of the work for which his life had stood. As a matter of fact, John Marshall and Andrew Jackson were actually closer together than they thought, and each was destined to do his different part in welding the spirit of the nation into unity.

The reception at the White House from which the decorous had just withdrawn was long remembered for its boisterous and undignified revelry. Men with muddy boots climbed on chairs to get a better view, women fainted, food was devoured ravenously. Jackson himself was saved from being crushed by a group of gentlemen around him, and was glad to escape at an early hour to the inn where he was staying. Justice Story wrote, "The reign of King Mob seemed triumphant."

Much of the political strength and success of Andrew Jackson lay in the fact that he never lost touch with the forces which had carried him to power. He was never afraid of the people, he understood them as they also understood and loved him, more than they loved any other American during his life time. The essential quality of the Jacksonian legend, to borrow a phrase which Professor Guérard has applied to Napoleon, is the fact that this legend was contemporaneous with himself.

Washington was admired and respected rather than loved, and the full strength of Lincoln was not recognized until after his death. Andrew Jackson was throughout a living hero, and it is difficult to determine how many of his measures were adopted because they were popular and how many were popular because they were his. At any rate, Jackson managed to divine the tides of sentiment, and to guide with strong right hand the American people in the direction in which they desired to go. That has been called, in a republic, the essence of statesmanship.

He regarded the Presidency, and particularly the Presidency with himself as President, as the one great representative institution through which the people might give expression to their inherent sovereignty. For that reason, his close dependence on a small group of extra official advisers, most of whom were newspaper editors, and all of whom were able to divine popular sentiment with singular accuracy, was not an accidental or unnecessary part of his administration, as it has been sometimes pictured, but was the very heart of the system. Not that Jackson always obeyed the advice of the Kitchen cabinet, but that he always listened to it. They were his ears and sometimes his voice. Jackson understood, as Adams had not, the close and necessary relation in a democracy between politics and administration.

The regular members of his official cabinet were dignified, and frequently able, chief clerks who worked out the details of policy. But for policy itself he turned to Amos Kendall, Isaac Hill, Major William B. Lewis, and, after the establishment of the party organ, the *Washington Globe*, to its able editor, Francis P. Blair.' These men served him with devotion and without demanding high political rewards. Even the ablest and most trusted of his cabinet, men like Van Buren, Taney, and Livingston,

were the agents, rather than the authors of his measures. Van Buren, for example, who was popularly supposed to dominate the President, was opposed to his most extreme measures against the bank, as he was also opposed to the wholesale introduction of the spoils system. In spite of differences of opinion on these points, Jackson continued to support Van Buren, because he believed, and believed wisely, in his fundamental loyalty.

The typical expression of the spirit of democracy on the frontier was the idea that any citizen was capable of filling public office, especially minor office, and that the offices should rotate. The men who accompanied Andrew Jackson to Washington were determined to be rewarded for their patriotic services by receiving the offices that for many years had been held by men who had come to regard their tenure as secure. Samuel Swartwout, who was to be appointed to the collectorship of customs in the port of New York, wrote to a friend: "No damn rascal who made use of an office or its profits for the purpose of keeping Mr. Adams in and General Jackson out of power is entitled to the least leniency save that of hanging. Whether or not I shall get anything in the general scramble for plunder remains to be seen, but I rather guess I shall. I know Mr. Ingham slightly, and would recommend that you push like the devil if you expect anything from that quarter."

There was no complete sweep, but the two thousand removals were enough to bring sorrow and consternation to many an old clerk who now found himself pushed out into the cold world without any means of support. They had had some warning but had been unable to imagine the extent of the impending storm. Some had undoubtedly been inefficient, a few may have been actually corrupt, but the fact remains that they were removed not because they were inefficient, but because their places were

needed for other men. A practice which had been already adopted in the administration of some states was now applied to the nation. It was retained and extended greatly by later Presidents, though it never caused the individual hardships which arose when it was first adopted on a large scale. The introduction of the spoils system had fundamental constitutional significance, for by means of it party lines were drawn tight, and a machine was created that served, like the close dependence on the newspapers, as another link between politics and administration. From this time on when one spoke of the "friends" of a candidate, he usually meant prospective office holders. However harmful to the administrative interests of the nation, the system lived and grew because it appeared to be politically serviceable.

Closely similar to the spoils system in its constitutional effects was the rise and growth of the doctrine of instruction. According to this theory, a Congressman and especially a Senator, is the servant of his constituents, and may be required by them to advocate measures with which he personally disagrees, or else to resign in favor of some one who more nearly expresses the popular will. Democracy is often impatient of checks, and on more than one occasion Jacksonian democracy tended to appeal over the heads of the Senators to their constituents. Senators were compelled to resign when they could not obey their legislatures with clear conscience. It was the third important link between politics and administration, but did not survive the decay of the theory of States' Rights after the Civil War. It probably has its modern counterpart in the movement for the popular recall of public officers.

The most important political question at the time when Andrew Jackson became President, was the right of the State to nullify the will of the general government. This

question had arisen in different forms in the two neighboring states of Georgia and South Carolina. The explanation of the different attitude of the President to these two cases throws an interesting light on his theory of government.

The tide of migration into the Southwest had been so rapid that instead of pushing the Indians back as had happened in the Northwest, it had flowed around four great islands of Indian settlement, which introduced an alien element into the western states and whose lands were greatly coveted for plantations. These Indians had passed out of the hunting stage into that of agriculture, had become attached to their houses and their fields, and were by no means anxious to comply with the desires of their neighbors and to move west of the Mississippi. They were under the protection of the national government, which had promised to secure their removal at the earliest possible moment. The situation was still further complicated by the discovery of gold in the Indian country in northern Georgia.

As early as 1827, the legislature of Georgia had passed resolutions claiming full sovereign power over the Indian lands. In the spirit of these resolutions, an Indian named Tassels had been convicted of murder under the laws of the State and condemned to death. The condemned man appealed to the Federal Courts, and a writ of error was sanctioned by the Chief Justice. The legislature of the State refused to obey the writ, or even to appear in the case, and authorized the use of the whole power of the executive to enforce the execution of the unfortunate Indian. Tassels was promptly hung, and the Supreme Court of the United States was unable to do anything to compel obedience to its decree. Two years later, Worcester, a missionary, was imprisoned for going into the Indian lands without State authority. Marshall

decided that the State had no jurisdiction, but was again unable to do anything to free the prisoner. It was in this case that Jackson is said to have remarked, "John Marshall has made his decision, now let him enforce it!" It was at least abundantly clear that the President of the United States had no intention of interfering within the territorial limits of a state to carry out the decrees of a Federal court.

In the meantime, a somewhat similar situation had arisen in South Carolina. With the extension of the cultivation of cotton into the uplands, the whole state had become surprisingly uniform in political complexion. The price of cotton was dropping, and the planters were feeling the competition of the newer and more fertile lands in the Southwest. The protective tariff which had been created after the war to prevent the inflow of cheap goods from Europe, and been raised in 1824, and again in 1828, and was especially designed to increase the price of the wool of the middle west, the hemp of Kentucky, the iron of Pennsylvania, and the woollen and cotton goods of New England. There could be no doubt that in so far as it was effective, it tended to add to the cost of almost every article which was used by the negroes on the great plantations of the South. But the grievance did not rest there. By making it difficult for foreigners to sell their goods in America, it seemed to the men of South Carolina to limit their own market for cotton and to lower its price in England. In effect, the tariff on foreign imports, was in its incidence, virtually a duty on exports, and if this were true it was prohibited by the Constitution. South Carolina felt the injurious effects of these tariffs the more because she had a great seaport to which the planters were accustomed to congregate and in which they could see more clearly than the inland planters in other regions, the part which foreign commerce played in their pros-

perity. More nearly than any other southern community, the Palmetto State had a capital.

The leading figure in the life of South Carolina was the Vice-President of the United States, the brilliant John C. Calhoun. Calhoun, the son of a poor up-country farmer, had been educated at Yale, and had grown up with his state. When he had entered Congress as a young man in 1811, he had joined with other young men in expressing the nationalism of the West which demanded war with England. For eight years, he had been the very able Secretary of War in the cabinet of President Monroe, and in that office had done much to extend national power into the Northwest. In his own mind, there was no real contradiction between his early nationalism, and the growing insistence on what he regarded as the rights of his section. He felt that the whole protective policy was increasingly harmful to the South, compelling that section to bear an undue burden of the national expenses, without receiving commensurate returns. Such a policy, persisted in, would inevitably weaken the bonds of union. It is the paradox of his point of view that he was a States' Rights man partly because he was in feeling a genuine patriot.

Harriet Martineau, the English author, who visited America during Jackson's administration, has left pen pictures of the two chief figures in the nullification controversy. She visited the Senate, which seemed to her a most imposing assembly: "Mr. Calhoun's countenance first fixed my attention; the splendid eye, the straight forehead, surmounted by a load of stiff, upright, dark hair; the stern brow; the inflexible mouth; it is one of the most remarkable heads in the country." He was to find a worthy antagonist in the President of the United States: "General Jackson is extremely tall and thin, with a slight stoop, betokening more weakness than

naturally belongs to his years. He has a profusion of stiff grey hair, which gives to his appearance whatever there is of formidable in it. His countenance bears commonly an appearance of melancholy gravity; though, when aroused, the fire of passion flashes from his eyes, and his whole person looks then formidable enough. His mode of speech is slow and quiet, and his phraseology betokens that his time has not been spent among books."

The enactment in 1828 of a tariff still higher than its predecessors, and called even by some friends of reasonable protection "the tariff of abominations," came at a most inopportune moment for the great Southern leader. He had consented without serious objection to run a second time for the position of Vice-President, and it was clearly understood among his friends that he was to succeed the aged Jackson at the end of his term. Calhoun was placed in an unenviable dilemma, between the passionate discontent of the planters, and the nationalism of the Jacksonian party. The leaders of South Carolina were ready to go further than himself in nullifying federal law and even in secession from the Union which he still held dear.

In this difficult position, at once the acknowledged leader of his state and section, and a candidate for president, he became the anonymous author of the "South Carolina Exposition," a document in which he pointed out the economic effects of high tariffs, and attempted to suggest a solution. This document is of great importance because it became the political creed of the South until the Civil War.

According to Calhoun, the government of the United States is the mere agent of the several states, which had established it without sacrificing their residual sovereignty. As long as legislation carries out clearly delegated powers and does no injustice to the interests of the

members of the partnership, it is the clear duty of all to yield obedience. But when a law is passed of which the people of a whole state are doubtful, who is the final judge whether Congress has acted within its powers? The immediate judge is Congress, then in case of doubt, the Supreme Court. But to leave the final and irrevocable decision to either of these parts of the federal government is to make the agent the judge of his own powers. Each state must consider the question for itself, and if it deems the law invalid the federal government may not act and has no right to enforce the obnoxious law, unless it appeals to the same source from which it derived its original powers. If the federal government can secure an amendment to the Constitution it may proceed, but not otherwise.

It is to be noticed that when, in 1828, Calhoun wrote the "South Carolina Exposition," he regarded this process of nullification as essentially conservative. It would serve as a constant check on such extensions of federal powers as might otherwise cause bitter quarrels. The fundamental difference between Calhoun and Webster, was not in their interpretation of the power of the courts, and especially of the Supreme Court. Each would have recognized the dignity of such decisions, and each saw clearly that above both Congress and the courts is the amending power. But Calhoun said that a doubtful law is void unless it is ratified by an amendment, and Webster argued that such a law must be obeyed unless it is made invalid by amendment. Calhoun would have made it impossible for any majority of the states short of the three fourths required to pass an amendment to carry a measure to which the minority objected. In that way, as in his later suggestion of two presidents, each with a veto, he was seeking for a check which would protect the institutions of the slave states against

change until its opponent had completely outnumbered them.

The whole matter came to a head in a great debate in the Senate between Hayne of South Carolina and Webster of Massachusetts. The strength of Webster's great speech lay not in its historical analysis, which was unsound in its claim that the federal government had been actually created by the "people of the United States," rather than by the states, but in its clear demonstration that the plan which Calhoun was advocating simply would not work, and instead of delaying secession would hasten that deplorable result. Whatever the historical origin of the government, the majority could not sit idly by and allow a single state to disobey the law of the federal legislature, without making the whole government futile and worthless. The process which was advocated by Calhoun and Hayne was too cumbersome and slow to serve the needs of a group of colonies which by the process of growth and extension as much as by the adoption of the Constitution had become a nation. Webster's position was not entirely free from difficulties, as he rose in his place in the Senate. Had he not opposed most of the measures which had been necessary to the nation during the war with England? Had he not advocated nullification of the embargo? Had he not even hinted at the secession of New England, even as late as 1820? But all this was forgotten in the dramatic eloquence of the great peroration which is better remembered than any other piece of American oratory: "While this Union lasts, we have high, exciting gratifying prospects spread out before us, for us and our children. Beyond that, I seek not to penetrate the veil. God grant that in my day, at least, the curtain may not rise. God grant that, on my vision, never may be opened what lies behind." For Webster, like Calhoun, had grown

up with his section, and had come to express his patriotism in terms of the nation, while Calhoun was trying to express his equally sincere patriotism in terms of his section.

Whatever doubts President Jackson may have had as to the nullification movement were laid to rest by the oration of Webster, which he read with complete sympathy. It was one thing to allow Georgia to get rid of obnoxious Indians, in spite of legal decisions of the Supreme Court. It seemed to him quite a different thing to permit one state to disobey a law which had been passed by the representatives of the American people. When we remember Jackson's life-long contempt for the subtleties of judicial decisions and his equally great reverence for majorities, it is not difficult to understand the difference between his attitude to nullification in Georgia and in South Carolina.

While the views of the President were still in doubt, the friends of Calhoun had planned a dinner to celebrate the anniversary of the birthday of Thomas Jefferson. To that dinner both Calhoun and Jackson had, of course, been invited. Throughout the long dinner, Jackson sat stern and thoughtful. When toasts were called for he slowly rose and looking straight at Calhoun, proposed the most famous toast in American history, "Our Federal Union: It must and shall be preserved." It was more than a toast. In the circumstances it was a Presidential proclamation. The toast was drunk standing. When all were seated, Calhoun, whose authorship of the "South Carolina Exposition" had not been acknowledged, remained standing, and with ready wit, proposed another toast, "The Union: next to our liberty, the most dear." He paused for a moment and then concluded: "May we all remember that it can be preserved only by respecting the rights of the states, and by distributing equally the benefits and burdens of the Union." Like Stephen A.

Douglas at another dramatic moment in 1858, Calhoun had been compelled to make a choice which forever prevented him from becoming President of the United States.

The friends of President Jackson were already trying to persuade the old man to become a candidate to succeed himself. The break between Calhoun and Jackson soon became complete. Years before, when he had been Secretary of War in the cabinet of Monroe, Calhoun had criticized Jackson severely for his conduct on the punitive expedition into Florida. Calhoun's enemies chose a moment when the two men were already at odds to bring this forgotten incident to the attention of the President. Jackson demanded complete loyalty in the members of his party, and when Calhoun was unable to deny his former opinion, Jackson broke off personal relations with the man who had helped to make him president, and turned to another successor in the person of Martin Van Buren of New York.

The wife of the Secretary of War, John H. Eaton of Tennessee, had been the daughter of a tavern keeper in Washington. Her first husband had committed suicide, and when she married a member of the President's cabinet, gossip began to attach to her name. President Jackson had the fierce chivalry of the frontier, and he remembered only too well the death of his own wife. Mrs. Calhoun came of an aristocratic family in South Carolina, and she and the other ladies of the administration circle refused to have anything to do with Margaret Eaton. Van Buren, as a bachelor, was able to extend to Mrs. Eaton courtesies which she received from no other high official. The quarrel was so bitter and the President was so insistent that it became necessary for the whole cabinet to resign, and when it was reconstituted, no one was surprised to find in control the

friends of the astute Van Buren. Van Buren was made minister to the Court of Saint James, where he conducted himself with dignity and ability. When a hostile and partisan Senate refused to confirm his nomination, he returned to become the candidate for the Vice-Presidency, and the acknowledged heir to the Presidency. It is a curious fact, that in the most democratic of our national administrations, a social intrigue for the first and only time in American history played an important part in the organization of a cabinet and even in the making of a President.

In the meantime, the South Carolina leaders had waited four years for the redress of what they regarded as very real grievances. They had hoped against hope that the tariff would be greatly reduced, but when the duties were changed in 1832, they still remained very high, and, worst of all, the bill was promptly signed by the President, from whom as a slave owner and a planter they had expected better treatment. Calhoun, who had done everything in his power four years earlier to restrain the impatience and the anger of his constituents, was now embittered by disappointment and by what seemed to him the unfair violation of a political pledge. Both the Democrats and the new party of Whigs which had been organized by Henry Clay were now definitely committed to a policy of protection. Pennsylvania with its protected iron was as necessary to the Democrats as New England was to the Whigs. The planters were fully persuaded that the continuation of the protective policy meant the ultimate economic ruin of their state, and that they were to be taxed to support the interests of other sections of the nation from which they were obliged to buy, but to which they could not sell. The prosperity of England was more vital to South Carolina than the prosperity of New England.

To give greater solemnity to their proceedings, the legislature of the state called for the election of a Convention similar in form to the one which had ratified the original Constitution of the United States. On November 24, 1832, the same month in which President Jackson was triumphantly reëlected President of the United States, with the faithful Van Buren as his running mate, the Convention passed a solemn ordinance in which it declared the tariff null and void, forbade the collection of duties in the ports of the state, prescribed an oath which bound all state officers to obey the ordinance, and threatened to withstand by force any attempt to collect the obnoxious duties. The ordinance was to go into effect in February of 1833 unless before that time the tariff was repealed.

Evidence that nullification meant revolution and could not be used as Calhoun had desired as a regular constitutional device, was contained in the ordinance itself. South Carolina solemnly asserted that any attempt on the part of the Federal Government to enforce the collection of duties would be regarded as inconsistent with the longer continuance of South Carolina in the Union. The people of that state would hold themselves absolved from maintaining their connection with the people of the other states and would proceed forthwith to organize a separate government. It was now abundantly clear, as Webster had pointed out, that nullification was a mere step toward secession.

The reëlection of Jackson by an overwhelming vote had strengthened his hands. The very fact that he was a southerner and a slave-holder tended to isolate South Carolina. No other state, not even her neighbor, Georgia, joined with her in this crisis; for Georgia had been pacified with the removal of the Indians. Within two weeks of the ordinance, President Jackson issued a

very able proclamation, written by his Secretary of State, Edward Livingston of Louisiana, which covered much of the same ground that had already been covered by Webster and pointed out even more clearly how incompatible nullification was with the continuance of national authority anywhere. Laws imposing taxes are always more or less unequal, and no such law would ever be safe from the ordinance of some one or more of the states. In ringing words Jackson promised to do all that he could to carry out his oath "to take care that the laws be faithfully executed."

Calhoun had resigned the Vice-Presidency before the expiration of his term, had been promptly elected a Senator from South Carolina, and now came as ambassador from his state to take his seat in the assembly, over which he had so long presided. Jackson regarded him as a traitor, whom he was ready to arrest on the outbreak of hostilities. Clay also returned to take his seat after the great defeat to which he had been subjected.

A bill was rapidly pushed through both houses authorizing the President to use the naval and military forces of the United States to enforce the collection of duties. In spite of his strong stand against nullification, Jackson was known to be in favor of a lower tariff, though he did not desire to pass such an act at a time when it might be regarded as obedience to a threat. Henry Clay was the chief American advocate of very high protection, and his whole party was built on the union of protected interests. He knew that a sudden lowering of duties would work a real hardship to many industries, but he also loved the Union and feared the effect of a real contest in South Carolina, with the increased power and prestige which it would bring to his great antagonist. He therefore decided to hold out an olive branch, and to present a bill which would gradually

reduce duties, some of which were as high as seventy percent on the value of the goods, until ten years later when the duty should reach twenty percent. Both Jackson and Webster were opposed to a compromise at such a moment, but it was eagerly accepted by Calhoun as a way out of an almost impossible dilemma. It therefore happened that Congress passed the Force Bill and the Compromise tariff at almost the same moment, and Calhoun hastened south to persuade the more hot-headed planters of Charleston to accept what had been offered.

The Clay compromise had made it possible for South Carolina to retreat with dignity. She had gained a promise which removed a large part of a very real economic grievance. But on the constitutional question she was clearly defeated. The Force Bill remained on the statute book, and from 1833 to the Civil War, nullification was no longer regarded as a constitutional device but as a mere forerunner of secession and revolution. A great national danger had been averted or at least postponed, and contrary to a common impression, Jackson and Webster, Clay and Calhoun, had each contributed something to an important result. Above all, Andrew Jackson had won an even greater title to glory than that which had come to him on a January day in 1815, for it was his strength of will and capacity for prompt and courageous decision which had saved the country from the possibility of civil war.

The second political question of Jackson's two terms arose on account of the fact that the national bank, which had been created in 1816 for twenty years, was coming to the end of its legal career. In its early days the bank had been mismanaged and had been saved from destruction only by a change of policy. But of late under the very able presidency of Nicholas Biddle of Philadelphia, and aided by the great prosperity which lasted

throughout Jackson's time, it had gained in power and in wealth. From the very beginning, it had had many enemies, especially among the small state banks which resented its practice of presenting their notes for redemption. The great speculative land interests were also unfriendly because the bank tended to discourage loans on land and to restrict its credit to the commercial classes of the community. This conservative policy was undoubtedly sound from a banking point of view, but it seemed to the West to make the bank an agent of the East.

Jackson shared many of these prejudices, but proceeded with caution, and indicated in his first annual message some doubts of the advisability of renewing the charter of the bank. As the time approached for the election of 1832, Henry Clay, who was building up a party composed of the wealthier and more conservative classes thought he saw in the problem of the bank a political question which would give him a convenient issue for the election. Although the charter had still four years to run, he persuaded Biddle to apply for a renewal.

Some of the leading Democrats, and even members of Jackson's cabinet, were favorable to the bank, and Biddle became convinced that their influence would make it impossible for Jackson to veto the recharter. Clay believed that such a veto would split the Democratic party and would make him the next President of the United States. So the bill was pushed through both houses of Congress and came to the President. Jackson followed the advice of his Kitchen cabinet and promptly vetoed the recharter, on the ground that the bank had become a dangerous monopoly.

The friends of the bank were unable to pass the bill over the President's veto, and Jackson's appeal to the country was overwhelmingly successful. In thinking

that he might win on such an issue, Clay had entirely miscalculated the trend of popular prejudices.

The triumphant return of Andrew Jackson to office seemed to him a mandate to weaken and destroy the powerful bank. As Jackson had prophesied, the bank had used its influence during the election in favor of the Whigs, and it now seemed to the President to be not only dangerous but corrupt. The bank began to curtail its loans in a fashion which laid it open to the suspicion of using economic pressure on borrowers to secure the re-charter which had been denied. Jackson was never the man to be intimidated and he determined to remove from the bank the deposits of the Federal Government.

Under the law, the Secretary of the Treasury had the right to remove these deposits when he thought they were endangered, but was required to report to Congress the reasons for such action. Jackson promoted Louis McLane, who was opposed to so radical a measure, to the office of Secretary of State, and appointed another Secretary of the Treasury in the person of Duane of Pennsylvania, whom he expected to do his bidding. But Duane also demurred, and the constitutional issue became sharp.

Is the Secretary of the Treasury in such a matter acting for Congress, or is he the agent of the President, required to carry out the President's will? Jackson had no doubt that every member of the President's cabinet was subject to the President's instructions and that the responsibility for every act of a cabinet member belongs to the chief executive. The issue was between a system of government in which the President is really an independent executive, and one in which the government approaches the parliamentary type, with an executive that is subject to the direction of the legislature. It is a question which has arisen more than once in American

history, as, for instance, in the bitter struggles of Reconstruction days between President Johnson and Congress, and more recently at the time when the political opponents of President Wilson demanded the creation of a non-partisan cabinet, which could not, of course, represent the will of the President.

Jackson was in a particularly strong position to deal with this question, as he also had been to meet the larger problem of nullification, because he had so recently won a great election, and in his control of the House of Representatives, he felt assured of the support of the American people. With the aid of his Attorney General, Roger B. Taney of Maryland, he drafted a demand that the deposits be removed and placed in state banks. This paper was read to the assembled cabinet, but was meant for the country. In speaking of his relations to his cabinet officers, he expressed once for all the theory that the President is the executive and that the members of the cabinet who have been appointed to their offices are not, like the members of the British cabinet, colleagues, but subordinates: "Upon the President has been devolved by the constitution and the suffrages of the American people, the duty of superintending the operation of the executive departments of the government, and seeing that the laws are faithfully executed. In the performance of this high trust, it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the government, his opinion of their duties under circumstances as they arise."

Duane felt that consistency compelled him to resign and Taney was appointed to the vacant position. Taney had been promised that when the deposits had been removed he should be promoted to the place of Chief Justice of the Supreme Court, a post for which his emi-

ment legal talents seemed well to fit him. For three decades, Roger B. Taney sat in the seat of the dead Marshall, and in a later day he was to become the storm-center of a still more bitter struggle.

The conservative Senate, dominated by the Whigs, was unable to save the great bank, or indeed to do more than pass a resolution of censure which Jackson believed to be an unconstitutional substitute for impeachment. Before the end of his second term, the Democrats were again in control, and the censure on their hero was expunged from the records of the Senate. To Webster and to Clay, it seemed the end of legislative independence. But Jackson passed from the scene of his conflicts and his triumphs amid the plaudits of the people. He had even won the heart of conservative New England on a trip to that region, and had been granted by Harvard College the degree of Doctor of Laws. In the lonely Hermitage he became a sage, like Jefferson at Monticello, and his old friend Martin Van Buren promised to walk in his footsteps. As he left office, the old man is reported to have said to a friend that his only regrets were that he had had no suitable opportunity to hang Calhoun, to shoot Clay, or to annex Texas or Oregon!

CHAPTER XV

THE ANNEXATION OF TEXAS

FINANCIAL panics have played their part in American history, and none of these depressions which have followed each other with strange regularity has had wider consequences than the one which caused the failure in St. Louis in 1819, of Moses Austin, late of Connecticut, and led him and his followers to a new home in the wide and unoccupied lands of eastern Texas. The colonizing enterprise of the Spaniards had never been equal to their vast and romantic imagination, and in the year in which they made a treaty that established the northern boundary of their empire with the United States, this imperial domain, as large and perhaps as rich as Germany and Austria combined, contained only about three thousand inhabitants mostly settled in the neighborhood of San Antonio. The missions of these early colonies still remain as a ghostly reminiscence of a vanished civilization. Many hundred miles farther west, on the upper waters of the Rio Grande, Santa Fé was a more important center of Spanish population, through which the traders from St. Louis were soon to send their caravans to Chihuahua and northern Mexico. Still farther west, along the Pacific, California contained perhaps six thousand Spanish inhabitants, all living on great cattle ranches within fifty miles of the sea and obeying lightly the orders of the Spanish governor at Monterey.

The reasons which led the dying Spanish government to reverse its age-old policy of isolation and to allow Moses Austin the privilege of bringing settlers into Texas are not fully known. Perhaps it was a counsel of despair. At any rate, within a year, Moses Austin had died before he could realize his dream, and in September of 1821 Mexico had made good its revolt from Spain. The son was more than worthy of the father, and Stephen F. Austin planted his colony in the valley of the Brazos in the closing days of the same year. He was a man of wisdom and great energy devoted entirely to a single purpose, which may account for the fact that he remained throughout his life a bachelor. Not discouraged by the changes of politics which had made his father's grant uncertain, he went first to San Antonio, and then to the distant capital of the new government in Mexico, and gained for himself the privilege of bringing in families to each of which he had the right of assigning more than a square league of land. The possession of the land was subject to the single condition that the settlers should become Mexican citizens and should embrace the religion of Rome, a condition which was not disobeyed, but which rested easily on the new inhabitants. Contracts were made with other "empresarios," and the fertile river bottoms were soon yielding to the plow. It had been the policy of Spain and later of Mexico to deal only with these contractors to whom were granted many of the powers of a feudal chieftain; but when the tide had once set in it was impossible to exclude individuals who settled where they pleased and made their own titles by simple occupation. In Texas, the history of the West was repeated, and the empresario system broke down for much the same reasons that had compelled Congress to give up the early plan of selling lands to great colonizing companies.

In all these years, Stephen F. Austin was the father

of his people, governing them with wisdom and self-restraint, and fighting their battles with the representatives of the new mother country. The settlers came largely from the Southwest, but this meant little, for the people of that region had themselves come within a few years from the older parts of the country. There were naturally some lawless elements which had "left their country for their country's good," but for the most part the new people were law abiding and eager only for an opportunity to gain economic independence in their new home. In the early days, there were a few great planters who had come with their fifty or a hundred slaves, but the majority were small farmers who wrested a living from the soil by their labor, amusing themselves with their neighborhood barbecues, and sometimes being fortunate enough to find a traveller who could teach their children the rudiments of reading and arithmetic. They kept at least the letter of their contract, and made no effort to establish churches, although many had come of New England stock. Occasionally, the little settlements were visited by an Irish priest, who gave legal sanction to earlier marriages and baptized the children. Except to the leaders, like Stephen F. Austin, the government of distant Mexico, with its turmoil and revolution, seemed very far away indeed. Once in 1829, they were disturbed by a decree of the Mexican president which abolished slavery, but this order was issued largely for political effect, and Texas was soon exempted from its provisions. By 1835, forty thousand Americans had made their way to their new home in Texas. Largely owing to the tact of Austin, the early attitude of the Mexicans was friendly, and the Americans were quite ready to acknowledge a theoretical sovereignty which affected very little the ordinary course of their lives. They had come largely for economic reasons and most of them

were quite satisfied with their opportunities. Their attitude to the distant government of Mexico was quite similar to that of the three thousand Californians, who, though of Spanish and Indian blood, regarded themselves as practically independent.

In the meantime, the high hopes with which Mexico had in 1821 commenced a separate national existence, had been largely disappointed. It could not well have been otherwise. The resources of the country were very great, and the population of seven millions was more than twice as large as that of the thirteen colonies at the time when they had started on an independent career. But of these seven millions, only about two millions had any Spanish blood, and the majority was made up of a kindly and docile group of Indian race which was without education or property, and which was always ready to serve as a pawn in the hands of an ambitious leader. The first ruler of Mexico had been called an emperor, but in 1824 a federal republic had been set up, the constitution of which had been based upon that of the United States. Under the terms of this constitution, Texas was joined to Coahuila and was given the sovereign rights of statehood. Occasionally, the Texans elected a delegate or two to the legislature, but otherwise they continued to live their own lives in their own way.

By race, by sympathy, and above all by economic ties, the Texans were closely connected with the United States and not at all with Mexico, which was separated from them by several hundred miles of unoccupied and desert lands. They imported all their goods from the United States without paying duties, and as they increased in wealth they sent their children to schools in New Orleans and other American cities, while their cotton was sold directly to England. The easiest route to Tampico and to Mexico itself was by sea.

The mere increase in the wealth and the population of Texas was quite enough to cause anxiety to the rulers of Mexico as these changed in the kaleidoscope of revolution. As in all weak countries, national pride was very much greater than Americans at that time realized. Most Americans believed that they were destined to occupy the continent from sea to sea. The United States had by the treaty of 1819 yielded to Spain a shadowy claim to Texas, but as conditions changed, this act was seen to have been a grave mistake, and a feeling arose for what was called the "reoccupation" of Texas. Tactless and somewhat blundering efforts were made to purchase the region, which dominated the mouth of the Mississippi and which would be of essential importance in case we should become involved for the third time in war with England. Although Mexico could neither settle nor govern Texas, and although her rulers were eager enough for funds, no one of them would dare to sell a part of what was called the national domain. The net result of these offers was to convince the Mexicans that they were certain to lose Texas if they did not interpose. In 1830, a plan was worked out to forbid the further settlement of Texas by Americans, to begin the collection of duties at Texas ports, and to settle portions of Texas with Mexican convicts and with retired soldiers of the army. Such a policy was certain to lead to disturbances. The Texans were not anxious to pay duties to swell the coffers of the Mexican chieftain who happened to be for the time in power. In 1832, the collector at the chief port was captured and compelled to leave his post. The situation was strikingly similar to that in New England at the passing of the Stamp Act.

In 1832, Antonio Lopez de Santa Anna, who gained fame in the revolution of 1821 and who had endeared himself to his countrymen by defeating the last Spanish

army which in 1829 had been sent to reconquer Mexico, drove his enemies out of power and made himself supreme. Santa Anna was an adventurer of more than ordinary capacity, with great powers of organization. With no high order of military ability, he possessed the histrionic qualities which made it possible for him to capitalize every success and to bury in kindly oblivion every failure. Santa Anna determined to sweep away the forms of the federal constitution, and to govern Mexico quite frankly as a military despotism.

To other sections of Mexico nearer the seat of government, this change probably made little difference except in words. But to the Texans it was vital, for it swept away the legal basis of their autonomy. It meant for them in the most concrete form the change from a government of laws to one of men, and of those men the leader was the unscrupulous Santa Anna. The older settlers were by temperament conservative, Stephen Austin advised moderation, and with the courage which was characteristic of him, he made the long journey to the city of Mexico to try to secure a change in the hard conditions. As a result, he spent the greater part of a year in the close seclusion of a Mexican jail. Excitement grew in Texas, and Santa Anna was too busy with revolts in other regions to try to win back by arms the province which was ready to rebel. He seems to have become at length convinced that Austin would be a safer leader than the others, and the prisoner was released to return to Texas, broken in health by imprisonment, and without hope of the redress of grievances except by force of arms.

In the fall of 1835, the inevitable revolt broke out, not so much by the plans of the leaders, but on account of their inability to restrain the younger men. San Antonio and the other Mexican posts were easily captured by the

insurgents. The revolt which had been at first for constitutional rights, in which many Mexicans were also interested, soon became a demand for separation, and on the second of March of 1836, Texas issued a formal declaration of independence.

A leader was found at the same time in the person of Sam Houston, who had come to Texas from a self-inflicted exile among the Cherokee Indians. Houston had been a soldier under Andrew Jackson during the War of 1812, and on account of his strong friendship for the old chieftain, he had been elected Governor of Tennessee. Finding that his young wife desired to marry another man, Houston suddenly resigned his office and spent several years living among the Indians as one of their chiefs. Like many another of the early settlers he came to Texas to make for himself a new career. He was at first much given to heavy drinking and gambling, habits which he overcame under the influence of his second wife. He was a man of very striking person, and of great natural shrewdness and courage. He was made commander of the army, and undertook to drive back the invaders, three thousand strong, who under the leadership of Santa Anna, were already besieging one hundred and eighty Texans in an old mission at San Antonio called the Alamo. After several days of heroic defence, the Alamo was taken by storm and the defenders were all put to the sword. When this news was received General Burleson of the Texan army exclaimed, "Thermopylæ had her messenger of defeat, the Alamo had none!" Some days after the capture of the Alamo, another group of Texans who insisted on occupying an exposed position at Goliad were compelled to surrender and were then treacherously shot in cold blood.

At the beginning of the revolution, some of the more enthusiastic leaders of the Texans had dreamed of tak-

ing the offensive, capturing Matamoras at the mouth of the Rio Grande and arousing the enemies of Santa Anna in Mexico. Houston had, from the beginning, opposed this aggressive scheme and had advocated concentration for defence. The rapidity of Santa Anna's invasion, and his early success at San Antonio and Goliad, put Houston's little army of about one thousand men strictly on the defensive.

Santa Anna had now about four thousand men, whom he divided into four columns, expecting them to sweep over the country and complete with ease the work which he had begun. Texas is a coastal plain intersected at intervals by rivers which flow southeastward to the sea. Of these the more important are the Colorado and the Brazos, in the valleys of which the American settlements chiefly lay. Houston had slight confidence in untrained militia, however brave, and although the column of Mexicans directly opposed to him was not greatly superior to his own, he decided to fall back before them. This opened the whole region of settlements to the invaders, and the people were filled with panic, such as came to many settlers in the west in the days of Indian wars. Gathering their belongings into wagons drawn by oxen, they abandoned their little cabins, and the whole population fled towards the distant American border. As the Texan army retreated before the Mexicans the soldiers could not be held together, and many left to aid their families in the perils of the flight. When Houston reached the Brazos, his army had dwindled to eight hundred men whom he now led up the stream and away from the settlements into the deep woods along its banks. In the meantime the tide of invasion passed over the plantations between him and the sea.

The government of the new republic had been trans-



The Early Texas Settlements
(1819-1837)

ferred to the little town of Harrisburg, now a suburb of the city of Houston. The task of Santa Anna, accustomed to Mexican revolutions, seemed now complete, if he could only capture the President, Burnet, and the members of his cabinet. Finding that Burnet and the other officers of the Texan government had escaped towards Galveston, Harrisburg was burned, and Santa Anna turned southeastward along the bayou which flows into Galveston Bay to try to overtake them before they reached the safety of the sea.

By this time, the little army under Houston had been taught the elements of military discipline, and Houston ventured to march towards the army of Santa Anna. It was a curious situation in which Santa Anna was pursuing Burnet, and the Texans under Houston were following Santa Anna. Finding his own quest fruitless, Santa Anna, with about eight hundred men, turned back and came upon Houston encamped with his back to the bayou, near the mouth of the San Jacinto river some fifteen miles from Harrisburg. Houston still hesitated. The quality of his men was untried, the Mexicans were reputed to be regulars, and the prestige of all the early victories was with them. Although the administration of Andrew Jackson was scrupulous in its neutrality, Houston knew that a very sympathetic force of the American army under General Gaines was posted near the Sabine boundary, and he probably hoped that some incident connected with the flight of the people might lead to American intervention. In any case, there was a possibility of assistance from individual Americans along the frontier. Houston's courage was beyond dispute, but he was naturally cautious, and in the circumstances his calculation of the chances of Texan victory must have left him with much room for doubts and forebodings.

For a full day the two little armies lay in camps about a mile apart. Santa Anna received reinforcements of four hundred men which brought his numbers to at least twelve hundred, and gave him a clear numerical superiority. To prevent the arrival of still further reinforcements, Houston sent his scout, Deaf Smith, whose name is as familiar in Texas as that of Paul Revere, to destroy the bridge over a short but deep bayou, and so isolate the Mexicans. About three in the afternoon of April 21st, 1836, the Texans were ready to attack. The overconfident Mexicans were taking a siesta in the heat of the warm afternoon, when suddenly the whole Texan force appeared within a few hundred yards, shouting, "Remember the Alamo, remember Goliad." And they did remember. With clubbed muskets, for they had no bayonets, they fell on the surprised Mexican camp. What followed was more a slaughter than a battle. The whole Mexican force was killed or captured with a Texan loss of two killed and twenty-three wounded. Among the captured was one whom the soldiers called "El Presidente," who was found hiding in the tall grass of the prairie, some distance from the scene of rout.¹

It was with the greatest difficulty that the astute Houston, who had been wounded in the battle, prevented the immediate execution of the captured Mexican dictator. In opposing a policy of revenge, Houston and Burnet were playing a longer game. The life of Santa Anna was spared, and in return he signed an armistice, ordered all the troops of Mexico to leave the country, and made a treaty which acknowledged the independence of Texas to the Rio Grande, a treaty which the Mexican Congress, and later Santa Anna himself,

¹ Much new light has been thrown on the early history of Texas by the articles of Professor E. C. Barker. See *S. W. Historical Quarterly*, XV, 3; XXI, 3; XXII, 1; XXVII, 2, for further details.

repudiated as having been extracted from him under duress. Santa Anna was released, and after a visit to the United States, reached Mexico in an American war vessel, to play an adventurous part in later history.

The people of Texas promptly voted almost unanimously for annexation to the United States, but Andrew Jackson was jealous for the good name of his country, which was being openly charged by the abolitionists with having promoted the settlement of Texas and having incited its revolution as a part of a general plot to extend the bounds of slavery. He was also very anxious to assist the election of his friend, Martin Van Buren, to the Presidency, and the annexation of Texas would be certain to split the Democratic party, and to play into the hands of its enemies. Jackson was reluctantly compelled to satisfy himself with the recognition of the independence of the little republic in the closing days of his administration, a recognition in which he was soon followed by France and five years later by England.

In the meantime, Americans were called upon to turn their attention to other questions. Martin Van Buren, so triumphantly elected to the Presidency by the prestige of his predecessor, did not find the White House a bed of roses. Scarcely had the inauguration crowds dispersed, when the country which had greatly prospered found itself caught in the meshes of a very severe financial and economic depression that lasted for more than five years. Captain Marryat, the English novelist, arrived in the spring of 1837, and he has left us a description of the situation in New York, which had rapidly grown into a metropolis of almost three hundred thousand people; "Two hundred and sixty firms have already failed, and no one knows where it is to end. Suspicion, fear, and misfortune have taken possession of the city. Had I not been aware of the cause, I should

have imagined that the plague was raging, and I had the description of Defoe before me. Not a smile on one countenance among the crowd who pass and repass; hurried steps, careworn faces, rapid exchanges of salutation, or hasty communication of anticipated ruin before the sun goes down. Here two or three are gathered together on one side, whispering and watching that they are not overheard; there a solitary, with his arms folded and his hat slouched, brooding over departed affluence. Mechanics, thrown out of employment, are pacing up and down with the air of famished wolves. The violent shock has been communicated, like that of electricity, through the country to a distance of hundreds of miles. Canals, railroads, and all public works, have been discontinued, and the Irish emigrant leans against his shanty, with his spade idle in his hand, and starves, as his thoughts wander back to his own Emerald Isle."

The causes of the panic of 1837 were very deep seated. The purchase of land by prospective settlers, in lots as small as eighty acres, for a price of only a dollar and a quarter an acre, had been made easy in 1820. The Erie canal had been completed in 1825, making a direct and easy highway to the west. Other canals were soon being built, and in 1830 began to meet competition with the first use of steam on the railroad. At almost the same time, an agricultural revolution commenced with the invention of the iron plow by Jethro Wood and the reaper by McCormick. Eli Whitney, who as a young man had invented the cotton gin, with all its momentous consequences to the South, initiated the manufacture of standardized parts for machinery, making possible greatly increased production, with a lessened requirement for skilled labor. The steamship was after many failures adapted to traffic across the Atlantic. Two decades

had seen greater changes in methods of agriculture, of manufacturing, and of transportation than had taken place since the days of the Roman Empire.

The full benefits of these changes did not, of course, show themselves at once, but with the opening of the West, these developed by leaps and bounds, and with each decade the center of population moved west thirty miles. After 1820, immigration, which had nearly ceased at the time of the wars in Europe, began again. Each decade saw an increase of more than thirty-five percent in the white population, and of thirty percent among the negroes. The first census of 1790 had shown a total population of less than four millions and by 1840 this number had increased to more than seventeen millions.

Before the administration of Andrew Jackson the sale of western lands in the hands of the nation had been normally between one and two million dollars a year. These sales now increased until, in 1835, the nation, with a low tariff and equally low local taxes, had a surplus of more than thirty-five millions even after paying off the last dollar of its public debt.

The financial institutions of the country had not kept pace with its growth. The small and weak state banks loaned money freely on the security of land or canal and railroad stocks, issuing for this purpose their own notes. The various states entered the business field and aided by the credit of the nation borrowed money at low rates. Foreign investors did not distinguish between a bond of the federal government and one of Indiana or Mississippi, and when seven states repudiated their debts in whole or in part, protected by the eleventh amendment against suits, Americans became greatly disliked in the financial capitals of Europe. The tide of inflation was greatly increased by the removal of the deposits of the federal government from the Bank of

the United States and their redeposit in banks which were so carelessly chosen that they were called in derision the "pet banks." Means for still further increase were provided when twenty-eight millions of the great national surplus were distributed as a gift in the form of loans to states which used at least part of the money to create other banks and to engage in unwise business enterprises. The whole pyramid of debts could only be kept upright by good crops and the ready sale of American products in Europe. The country was covered with a flood of unsecured bank paper, which the banks would be entirely unable to redeem in a time of emergency. In the rapid development of the West, the country had become free from national debt, but the people, as individuals, were largely in debt for goods which they were buying on credit. Economically, the United States was a debtor nation, which normally had heavier imports than its exports. In time it had the resources to pay the interest and principal of its private debts, but for the moment it had no liquid assets.

Andrew Jackson had partially foreseen what was coming and had authorized an order to have all payments for government lands made in specie. This order, wise enough as a measure of government finance, rapidly tied up the small amount of actual money in the hands of the government, and entailed great expense for moving the money from one part of the country to the other, while the inherent weakness of the land banks was promptly made evident. Crops failed in 1835 and again in 1837, and when the foreign creditors began to demand immediate payment of their claims, thousands of business houses were reduced to bankruptcy; bank notes depreciated until they ceased to have value, and the whole country was left without any stable money. Briefly, the cause of this greatest of our panics was the

fact that the wealth of a great country was tied up in investments some of which were without value, and most of which could not begin to pay for many years.

Naturally, the blame for a situation which he could neither prevent nor remedy fell upon Martin Van Buren. He had ability and honesty, but his enemies pointed out the fact that he drew a large salary and lived in comfort when other men were starving. He was popularly pictured as committing the unpardonable sin of eating with a gold spoon. In spite of these charges, he retained the confidence of his party in 1840 and was renominated.

The Whigs, confident, aggressive, and certain of success, turned from their old leader, Henry Clay, and without taking the trouble to write a platform, nominated for the Presidency General William Henry Harrison of Ohio, whose chief title to high distinction lay in the fact that twenty-nine years before he had won the battle of Tippecanoe from the Indians. When a Democratic journal ridiculed him as one better fitted to live in a log cabin, to wear a coon skin cap, and to drink hard cider, than to serve as the executive of a great nation, the Whigs eagerly accepted the challenge, and Harrison was almost certain to be elected by a nation which needed recreation after the gloom of a panic. The campaign was one great celebration, in which miniature log cabins played a larger part than any questions of politics:

"Oh, know ye the farmer of Tippecanoe?
The gallant old farmer of Tippecanoe?
With an arm that is strong and a heart that is true,
The man of the people is Tippecanoe."

The Whigs never tired of pointing out the contrast be-

tween the two candidates, even though these contrasts were largely apocryphal:

"Let Van from his coolers of silver drink wine,
And lounge on his cushioned settee,
Our man on his buckeye bench can recline,
Content with hard cider is he!"

Doubtless, not good poetry, but excellent politics!

On inauguration day, March 4, 1841, the new President seemed to an English visitor not a hero, but a slight, white haired old man, plainly dressed and evidently tired. The ceremonies took place outdoors, the day was cold and bleak, even for March, the crowds of office seekers were more than usually importunate, and within a month the first Whig President was dead.

In the second place on their successful ticket, the Whigs had nominated John Tyler, a cultured and dignified Virginia gentleman, a States' Rights advocate of the school of Calhoun, who had broken with the Democrats at the time of the nullification controversy, but whose principles were more characteristic of the Southern Democrats than of the Whigs.

The chief Whig policy was the reestablishment of a national bank, but Tyler, who had now become President, vetoed two bills for this purpose on the ground that the establishment of branches of the national bank within the States interfered with their rights. The Whigs were unable to pass these bills over his veto, and though in 1842 the President accepted a high protective tariff, Tyler became a President without a party, detested by the stricter Whigs who regarded him, somewhat unjustly, as a traitor to their principles, and unable to win the favor of the Democrats whom he had helped to defeat in the last election. The other Whigs in the original cabinet soon resigned, but Daniel Webster,

the Secretary of State, who was engaged in important negotiations with England, held on, for reasons which were entirely creditable to his very real patriotism.

In England, an older administration, dominated by Palmerston and on the whole aggressive and unfriendly to the United States had yielded, in 1841, to the ministry of Sir Robert Peel, whose Secretary of State for Foreign affairs was the cautious and peace-loving Aberdeen. The continuance in power of this cabinet from 1841 until 1846 was of supreme moment in American history, and largely accounts for the fact that the United States was allowed to acquire Texas, Oregon, and California without becoming involved in a European war. Not that Aberdeen looked on American expansion with favor, or that he saw many virtues in Americans; but he was dominated by the commercial classes rather than by the great land-owners, and he had no great zeal for the expansion of the Empire at the expense of commercial losses and probable war!

As an earnest of the new policy, Aberdeen sent to the United States a special envoy in the person of Lord Ashburton, a member of a well known family of bankers with important American connections and the husband of an American wife. Among other minor but irritating difficulties, the two chief problems between the two nations were the unsettled condition of the Oregon question which had been left open since 1818, and the matter of the boundary between Maine and Canada. The problem of Oregon proved for the moment too difficult, but the other questions were approached in a spirit that was highly creditable to both the diplomats.

The essential feature of the northeast boundary dispute was the exact determination of the watershed between the waters which flow into the St. Lawrence and those which flow into the sea. Was the watershed

north of the St. John's river which flows into the Bay of Fundy, or north of the Kennebec and the Merrimac? The area in dispute was almost twice as great as the State of Ohio. An earlier attempt to arbitrate the question had failed, and the settlers of the rival nations in the disputed region had fallen into a condition of border warfare, which had been ended only by the tact of General Scott. To England the northern part of this region was especially important because it furnished her with a route from ice-free Halifax to Quebec when the latter city was caught in the winter in the icy embrace of the St. Lawrence. The Americans were especially interested in holding on to certain settlements which had been made at the head of Lake Champlain and on the headwaters of the Connecticut, and which were clearly within Canadian territory. These matters were compromised and the permanent boundary was fixed as it is today, by a division of the disputed region. To secure the consent of Maine which was a party in the dispute, and later to persuade the Senate to ratify his treaty, Webster used a map which had been found for him in the archives in Paris and which seemed to bear out the whole British contention. Needless to say this "Red Line map" was not shown to Ashburton. Neither Webster, nor Ashburton, knew that at the same time there was another and more authentic map in the possession of the British Foreign Office which proved conclusively the soundness of the American contention, and the knowledge of which by Webster would have given to the United States a considerable region which under the treaty was now assigned to Canada. As it was, the result was a happy outcome of a very intricate question.

In the same year with the ratification of the Webster-Ashburton treaty, England recognized the independence

MAP SHOWING THE MAINE BOUNDARY CONTROVERSY 1782-1842

Scale: 20 40 60 M.

LEGEND:

- LINE CLAIMED BY U.S. BY TREATY OF 1783
- BOUNDARY UNDER TREATY OF 1842
- + + + + + LINE AWARDED BY THE KING OF THE NETHERLANDS

A Map Illustrating the Maine Boundary Controversy. (1782-1842)

of Texas, sent a minister to that republic, and appointed a commercial agent to California, with which region England had very slight business relations. Many Americans began to feel, and with much reason, that England was likely to acquire an interest in these independent or semi-independent regions which would prove a source of danger in future years. There could be no doubt that even Aberdeen would do anything short of war to prevent them from coming under American control.

The little Republic of Texas had, during these years, lived in the constant shadow of possible war. With less than seventy thousand people, it was regarded by a nation of seven millions as a group of rebels, who should be attacked at the earliest moment and punished without pity. Only the chronic anarchy of the Mexican government had prevented an invasion. As long as they were in danger of attack the Texans could not hope to attract their share of the great tide of immigration. They were compelled to maintain an army for which they had no desire, and their national bonds sold for ten cents on the dollar. To Santa Anna in Mexico, on the contrary, the theory of continual war with Texas was not only essential to wounded pride, but an extremely useful pretext for keeping and paying an army which was his own chief title to power. It was evident that Mexico alone would never make peace. War was her most important industry.

Could Texas conquer peace? The long-headed Houston saw clearly that it was impossible. But he was succeeded by a dreamer in the person of Lucius Mirabeau Lamar, whose very name suggested his qualities. In 1841, Lamar, without the consent of Congress, sent a weak expedition to Santa Fé to commence a policy of expansion. The whole force was promptly captured and

taken as prisoners to Mexico, where only the interposition of the British minister prevented their summary execution. Texas had lost in prestige without gaining the desired peace. Twice in 1842, the Mexicans raided across the Rio Grande, penetrated the country to San Antonio, and fled again with their booty across the frontier.

Something had to be done. Farmers cannot live forever in the constant fear of war. At the end of Lamar's administration, Houston was reëlected President. It was his policy to play off the fear of English influence against the equal fear of American annexation and to gain help from one or both. He was probably coming to prefer independence to annexation, but in any case he must have peace. In the history of diplomacy, there is no tale more interesting than that of the methods which he pursued to achieve his ends.

England was the chief creditor of Mexico with which country her merchants had the lion's share of business. She did not like to see the continuance of a foolish war which used up resources and might throw Texas into the hands of the United States. In 1843, Santa Anna finally consented to consider an armistice. Since he did not even now recognize the independence of Texas, nothing was likely to come of this offer. But it was exactly to the purpose of Houston, who now announced publicly that peace was about to be arranged through the good offices of England. Other disquieting news reached Tyler. Through the Minister of Texas at the Court of St. James, a story was allowed to leak out that Aberdeen was anxious to secure the abolition of slavery in Texas and might even be willing to intervene with Mexico for this purpose and to make some arrangement to compensate the owners of slaves. If Texas would adopt a policy of free trade all the better!

In the seven years since the battle of San Jacinto, the United States seemed to have forgotten Texas. On account of the bitter division of the country on the question of slavery, no accredited leader of either of the two great parties could dare to advocate the annexation of this region for fear of destroying his party. But Tyler had no such fears. He was a President without a party; he had always been an advocate of expansion for national reason; above all he was a Southerner and a slave-holder who could not see with equanimity the possibility of the abolition of slavery in Texas, or the increase of British influence in a region so close to the greatest of Southern seaports. Webster had been succeeded by Upshur, and after his death by Calhoun, who promptly signed a treaty that had been negotiated by his predecessor and which offered to annex Texas as a State of the Union and to assume her debts in return for the gift of her public lands. The agents of Texas had probably gone faster and farther than President Houston desired, but he could not repudiate an arrangement which would bring peace on the chance of the more desirable boon of independence and security. Everything now depended on the action of the Senate of the United States.

Tyler and Calhoun had counted carefully the probable votes and had assured the representatives of Texas that they would be able to secure the two-thirds vote which was necessary to ratification. In the beginning, their calculations were probably correct. If the treaty had come up in any other year and if the appeal for ratification had been made on broad national grounds alone, it would have commanded the vote of the Senate as it was rapidly gaining the approval of the American people. Every tie of race and sentiment, as well as the plain requirements of national defence, called

for the annexation of Texas. It was on such grounds that Andrew Jackson, now in retirement at the Hermitage, kept in close touch with the situation, and sought to make sure of the continued good will of his old friend Houston.

But the treaty came before the Senate at the very moment when the two national parties were about to choose their leaders for the campaign of 1844. The parties were evenly matched and it was known that the election would be very close. Henry Clay was certain to be the standard bearer of the Whigs, and Martin Van Buren expected to be for the third time the nominee of the Democrats. Those who favored the annexation of Texas were the more numerous, but the voices raised against such action were much louder and more insistent. The two chief reasons against annexation were the danger of war with Mexico, and the opposition to increasing the domain of slavery. In these circumstances, both Clay and Van Buren wrote letters declaring against immediate annexation, and many of their followers decided to vote against a treaty which could only gratify the ambition of two men without a party.

The other important factor in the situation was a letter which Calhoun wrote to the British minister Pakenham. The British minister of Foreign Affairs, finding that his rather indiscreet conversations on the subject of slavery in Texas had come to the attention of President Tyler and were likely to hasten the annexation of Texas to the United States, had written an official explanation of his attitude. He said that he did not desire to interfere in any improper way with the institutions of the United States nor with the policy of Texas. England had abolished slavery in her own colonies in 1833, and would be glad to have other countries

adopt similar measures, but would use only the methods of argument and persuasion.

Calhoun found this letter in his desk when he became Secretary of State after the explosion on the battleship *Princeton* which brought the career of his predecessor Upshur to an untimely end. It was meant to be reassuring, and in the interests of the treaty he might well have passed over it in silence.

Instead, the new Secretary of State made an elaborate reply in which he defended slavery against all attacks, and squarely made the annexation of Texas an essential feature in the preservation of slavery within the United States. The letter could have no other effect than to lose votes for the treaty. To make matters worse, Calhoun's unnecessary reply was not only written in haste but published promptly.

Why did Calhoun write such a letter at such a time? His enemies at the time said that he did not sincerely desire the annexation of Texas, and that he did desire rejection for reasons which would unite the South and give it an adequate ground for secession; and there were undoubtedly those who like the novelist, William Gilmore Simms, were already advocating secession at the earliest possible moment, just as some of the more extreme abolitionists preferred secession to further life under a Constitution that recognized slavery. But Calhoun was not one of these. He sincerely loved the Union, even though he wished it to be a Union after his own mind. And he was equally sincere in his desire for Texas, as all his most private letters at the time clearly show.

With all its keenness, there was a certain provincialism in the mind of Calhoun which made it impossible for him to imagine how other men would react to his sentiments. He believed profoundly that slavery was a benefi-

cent institution. He wanted Texas. He probably believed that if he could show that abolition was an English desire, if he could connect the movement against slavery with a question of foreign policy, if he could appeal to the prejudices of two wars, kept alive by the sneers of travellers, he might win Texas and at the same time destroy the political power of abolition. As a matter of fact, he only managed to help Van Buren and Clay to defeat his own treaty. The treaty was rejected by an overwhelming vote.

In the meantime, the national conventions had met. Van Buren had a clear majority of the delegates in the Democratic convention, but the friends of Texas, under the skillful leadership of Robert J. Walker, an astute politician, late of Pennsylvania, now of Mississippi, were determined to defeat him. They persuaded Andrew Jackson to write a letter advocating the immediate annexation of Texas, in which although he still favored his old friend for the Presidency, he lamented his lack of wisdom in the question of Texas. Thus weakening Van Buren, they made a flank attack upon him, invoking the old rule that the candidate should have two-thirds of the votes in the convention. They knew quite well that the New York leader would be quite unable to secure so large a majority. And so it turned out. There was in the convention an almost unknown man, who had been at one time speaker of the House of Representatives, and later had been twice defeated for the office of Governor of Tennessee. He had written a long letter in which he advocated the annexation of Texas. He came from the state of Andrew Jackson. And that was enough. So it happened that the first important message carried by the electric telegraph which Morse had just built, with the aid of Congress, from Baltimore to Washington, brought to the astonished politi-

cians of the capital the news that James K. Polk of Tennessee, had been nominated on the eighth ballot. Men asked, "And who is James K. Polk?" After the election in the fall, they found their answer, "He is the President of the United States."

The Democratic platform of 1844 declared for the "reannexation of Texas and the reoccupation of Oregon." President Tyler had been nominated by an independent convention of his own friends, but, with Polk committed to the cause of expansion, there was small reason for his candidacy and he was persuaded by the indefatigable Walker to withdraw in favor of the regular candidate. Clay was not so fortunate, for the moderate abolitionists nominated James G. Birney on a platform which declared against the admission of any further slave states. The votes for Birney came largely from the Whig ranks, and for the first time an election was practically determined by the presence of a third party in the field. In the midst of the campaign, Clay found that sentiment for annexation was much stronger than he had thought, and he wrote another letter in which he indicated a willingness to accept Texas if it could be secured without war. This letter strengthened Birney without weakening Polk. As it was, the election was very close, being determined by a majority of only seven hundred votes in Louisiana and by the vote of the Free Soilers in New York. In that important state, Polk had less than an absolute majority of the popular vote, but with his enemies divided between the Whigs and the Free Soilers, he secured the electoral votes which gave him the Presidency.

The election of Polk and the enthusiasm among the people for expansion seemed to Tyler a clear mandate for annexation. The ratification of a treaty was clearly impossible, and Tyler recommended the admission of

that State by a joint resolution which would require only a majority in each house. This measure differed from the treaty in leaving to Texas both her debt and her public lands. It passed the House easily, and the Senate with only one vote to spare. Tyler had reason to believe that England was now moving to secure peace between Texas and Mexico and that there was a strong sentiment with the people of the rejected country for maintaining their independence and working out their own career. After consulting the President-elect, who refused to give an opinion in the matter, he despatched this offer to Texas in the closing days of his administration.

And there was indeed no time to lose if the United States were to have Texas at all. In that republic, Houston had been succeeded by his Secretary of State, Anson Jones, who was frankly opposed to annexation. Would Texas accept the tardy offer? The English minister, Captain Charles Elliot, thought that there was still time to prevent such a step. As soon as the news of the passing of the joint resolution reached him, he called on the President of Texas, accompanied by the French minister, and persuaded Jones to sign an offer to Mexico, in which Texas promised in return for the recognition of independence to refuse annexation. The English minister had reason for haste for the messenger with the offer from the United States passed Elliot, secretly on his way to Mexico to persuade that government to make peace before it was forever too late.

Elliot reached Vera Cruz in a British war vessel, and as quietly as possible made his way to the capital. In Mexico conditions had changed. Santa Anna, who had so often refused to accept the inevitable, had been driven from the country and had yielded to the conservative Herrera. Face to face with the risk of annexa-

tion, Mexico yielded and accepted the offer which Elliot brought, and that active diplomat returned to Texas with news which a little earlier might have proved so welcome to the harassed people of that little country. But it was now too late. The campaign for annexation had been managed with the greatest skill by the American envoy, Donelson, the nephew of Andrew Jackson. A tide of immigration was coming from the United States, and all the new settlers were arriving in the hope of statehood. The people were aroused and threats of violence were openly made against Jones, if he persisted in his opposition.

In the summer of 1845, Jones was compelled to yield to popular pressure, and to call Congress together. That body sanctioned his previous call for a constitutional convention. Jones presented the two alternatives, the offer of Mexico and that of the United States. With only one dissenting vote the members of the convention accepted the American offer and framed a State Constitution, which was approved at a popular election in October, and accepted by Polk's first Congress before Christmas. On February 16, 1846, the flag of Texas with its lone star was pulled down, and the Stars and Stripes fluttered in the breeze. The victory had been won, partly by diplomacy and largely by the power of immigration. In the midst of the contest, Jackson had died, but the policy to which he had devoted the closing days of a remarkable career had been crowned with hard won success.

The comments of Elliot on the result are interesting as an indication of the extent of his disappointment. He wrote to Aberdeen that if the northern Democrats "could witness the shocking increase of the internal slave trade which annexation has induced, if they could see hundreds of wretched and innocent persons linked

to an ox chain, passing to the Southern market through what is called a land of freedom, they would regret the step which they had taken." In spite of the overwhelming vote in the Convention, he still could write that "if the people of Texas had been left to their deliberate choice, there is ground to believe that they would have ratified the worthier policy; but intrigue and factious excitement prevailed, compassing an act of folly and discredit; which, however, it is only just to repeat that two-thirds of the voters of the country have failed to support at the polls." Such was the bitter valedictory of a disappointed diplomat!¹

¹ The less familiar sections of this account are based on, Justin H. Smith, *The Annexation of Texas*, and on Ephraim D. Adams, *British Correspondence Concerning Texas*, published in *S. W. Historical Quarterly*, especially Vol. XXI, as well as on letters of Sam Houston in the possession of the author.

CHAPTER XVI

THE ADVANCE TO THE PACIFIC

WHILE the measures for the annexation of Texas were being completed, the sleepy Mexican settlements at Santa Fé and Monterey were basking quietly in the sun. No one who had lived in distant California, or who knew the history of the South American Republics, expected that region to remain long under the sovereignty of Mexico. Communication was slow and difficult, and the government was weak and inefficient. A group of native Californians had applied to the British consul to find out whether in a movement for independence, they might exact the protection of that country, but the official had been unable to give them direct encouragement. Although the government of Sir Robert Peel was not likely to embark in risky enterprises in imperialism, the growing interest of England in California made it plain that the real question was whether California would become independent under the protection of England or whether she would be annexed to the American Republic. So, at least, it seemed to the new President of the United States, James K. Polk, and to his principal advisers, and especially to the new Secretary of the Treasury, Robert J. Walker.

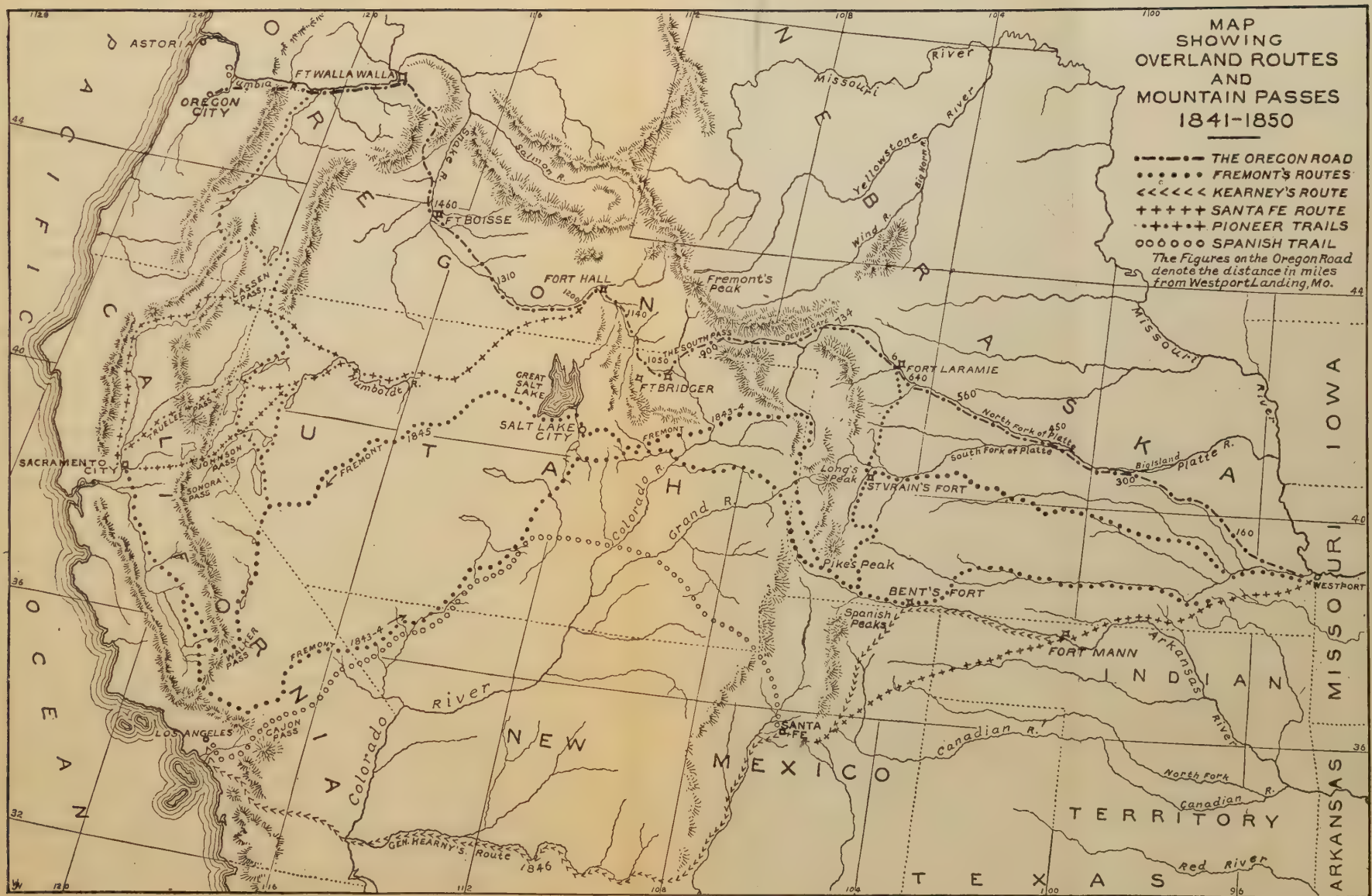
Americans had long been interested in the Pacific coast, even at a time when it was separated from them by a long journey of at least five months around Cape

Horn. The first sailing vessels to reach the coast had been engaged in collecting the rich fur of the sea otter. These furs were taken across the Pacific and sold to the wealthy Chinese in return for Oriental products which brought in a handsome profit. The Hudson's Bay Company, which was establishing its posts in the Northwest, was excluded from this important trade by the fact that the older East India Company had a monopoly of business with the Orient. It is a curious fact that the way for a great American advance was furthered at least in part by the conflict between two great British monopolies.

The Russians had attempted to enter this field in competition with the Yankee traders from Salem and other New England ports, but they had found themselves quite too busy in other directions, and by a treaty in 1825, they had withdrawn to the region north of the line of fifty-four-40, a line which played a great part in the politics of the period.

After the sealers had been forced farther and farther north by the growing scarcity of furs, their place was taken by whalers which touched at Monterey and other Californian ports and traded with the natives. Then came merchants from New England who loaded their little vessels for the return journey with the hides and tallow which were almost the only exports of the cattle country. Hides gathered in California were thus one of the chief foundations of the growing shoe industry in distant Massachusetts. Across the mountains by perilous routes which were afterwards to bring the caravans in search of gold, came Jedediah Smith in 1826, and a long list of adventurous trappers seeking the disappearing haunts of the beaver.

The father of American California was John A. Sutter, a Swiss born in Baden, who had first engaged in the



A Map Showing Overland Routes and Mountain Passes. (1841-1850)

trade from St. Louis to Santa Fé. In 1839, he reached California by way of the Sandwich Islands, and secured from the Mexican Government a large tract of land near the site of the present city of Sacramento. Later, Sutter added to his holdings by the purchase of the old Russian settlement at Bodega Bay. The newcomer built a fort on his lands on the Sacramento River. He is described as a short, thick-set man, with the kindly manners of an old-fashioned gentleman, who governed his little colony with the shrewd thrift of his race. His men gathered beaver skins from the neighboring Indians. His rich fields grew prodigious crops of wheat, oats, and barley. Among other enterprises he maintained a distillery and a flour-mill. When the tide of settlement began to run strong in 1841, Sutter's Fort was already established at a point almost directly opposite the chief pass through the mountains, and many a settler found comfort and protection in the little fort, well guarded against possible assault by twelve pieces of artillery. Sutter was the most hospitable of men. When the winter caught an unlucky band of settlers in the fastnesses of the mountains, he sent his retainers to bring them to the safety of his fort. Thus the Swiss Sutter bore a relation to early California somewhat similar to that of Austin in Texas and of Dr. John McLoughlin, the kindly factor of the Hudson's Bay Company in the neighboring Oregon, three names worthy of more honor than has usually been accorded to them!

As we have already seen, the first permanent American settlers to the Oregon country were the missionaries, Methodist, Presbyterian, and Roman Catholic, sent to the Indians of Idaho and Oregon. These were soon followed by the long line of wagons which carried whole families and which soon made the Oregon trail famous. From Independence on the Missouri near the present

site of Kansas City, these groups, organized for protection under experienced captains, crossed the prairies to the valley of the Platte, and along its south bank made their way through the plains, by way of Fort Laramie to South Pass, and so over the crest of the mountains. West of the mountains some turned north to Oregon, and others went by way of the Great Salt Lake and the parched deserts of Nevada to the northern gateway through the majestic Sierra Nevada. Even before the war with Mexico, this movement had become important. Eight hundred settlers reached the valley of the Willamette in 1843, and more than three thousand two years later. These soon began a movement for the annexation of Oregon to the United States and the creation of a new state in the far northwest. In season and out of season, Thomas H. Benton of Missouri, advocated on the floor of the Senate of the United States the claims of the far West.

President Polk had been elected on a platform which called for the "reoccupation of Oregon." He had as his Secretary of State the cautious James Buchanan of Pennsylvania, who found that on more than one occasion his predecessors in office had offered to compromise the question by extending the forty-ninth parallel of latitude to the Pacific. Webster had even suggested the Columbia as a boundary, in return for assistance from England in the purchase of the coveted position in northern California. In view of the fact that the only effective settlements north of the Columbia had been the little forts of the Hudson's Bay Company, such a solution was by no means unreasonable. In the meantime however, American claims had been greatly strengthened by the tide of immigration which we have just described. As in the case of Texas, the final solution was not so much a victory for the diplomat as it was for the settler.

In these circumstances, Buchanan offered once more to compromise on the line of the forty-ninth parallel. When the British minister in Washington refused this offer, without even waiting for instructions from home, Buchanan desired to continue negotiations, but Polk believed that the only way to deal with the situation was to face it boldly. He instructed the frightened Buchanan to break off the discussions, to withdraw the offer, and in his first message to Congress, at the very time when the annexation of Texas was being completed, he laid claim to the whole of Oregon up to the southern limits of Alaska. Congress promptly authorized him to give notice that joint occupation of Oregon, which had existed in theory since 1818, should come to an end. For a while it looked as if war with England was inevitable, and that too at a time at which Mexico was ready for the slightest pretext to reconquer her lost Texas.

But Polk estimated the diplomatic situation more clearly than his Secretary. The relations between England and France, which had amounted almost to an alliance, were now strained. With the passing of the fur trade towards the richer forests of British Columbia, Oregon seemed less important. The English merchants were opposed to war with a country which was by far their best customer. Their trade was likely to improve with the new tariff which even then Robert J. Walker was advocating and which would reduce all the important schedules to a revenue basis.

With these considerations in mind, Aberdeen renewed the offer which had just been rejected. In 1846, a treaty was framed that carried the forty-ninth parallel to the strait between the Island of Vancouver and the sea, and which duly protected the Hudson's Bay Company in its important property rights in the abandoned

region. Polk had talked in so warlike a tone in December, that he could scarcely sign such a treaty in April. He fell back upon the almost unused function of the Senate to give advice in matters of this kind. The Senate promptly advised the signing of the treaty, and later ratified the instrument by more than the necessary votes. The diplomacy of the unknown lawyer from Tennessee had been crowned by complete success. Both nations, which had so lately adopted a policy of tariff for revenue, prospered. The United States sold its rapidly growing surplus of food stuffs in return for the manufactures of England. The Walker tariff remained in force without serious opposition until the eve of the War for Southern Independence. As one studies the whole question today, he cannot doubt that, again, as in the case of Maine, the two great nations, aided by the force of circumstances, had arrived at a wise and statesmanlike decision.

It was well that the danger of war with England had been averted, for relations with Mexico were more than strained. Mexico had announced formally as early as 1843, that the annexation of Texas by the United States would be regarded by her as a declaration of war, and that too in spite of the fact that Texas had by the act of her own people been independent for more than seven years and that its independence had been acknowledged not only by the United States but also by the chief powers of Europe. True to her threat, no sooner had the resolution passed the two houses of Congress than Mexico broke off diplomatic relations and withdrew her minister from Washington. Such action is, of course, almost always a prelude to war. The situation was made still more difficult on account of the fact that Americans had claims against Mexico for more than six millions of dollars. It is true that a part of these claims

were extravagant and unjust, but some of them were for actual supplies which had been furnished to Mexico during her War of Independence. A part of these claims had been submitted to arbitration, and the King of Prussia as arbitrator had decided in favor of the American claimants. Mexico, in a state of chronic revolution, always found it difficult to pay her debts. France had in 1838 collected some claims at the cannon's mouth, in a campaign in which Santa Anna had lost a leg, and had renewed the glory which had grown dim at San Jacinto. After paying one or two installments of her American debt, Mexico had stopped. The withdrawal of her minister was not only a threat of war but also of repudiation. The boundaries of Texas were vague and undetermined. Both countries claimed the region between the Nueces river and the Rio Grande. Negotiations were necessary if these pressing difficulties were to be settled in an honorable way, unless the United States was to live as Texas had done for nine years in an intolerable state, half way between peace and war, with Mexico ready to make a raid at any favorable moment.

Remembering the result, it is difficult for us, as it was difficult for the Whigs at the time, to realize that the Mexicans generally desired just such a war as seemed likely to begin, and that they fully expected to win. They were told by all their newspapers, by their public men, and even by the majority of the foreign colony in the City of Mexico, that they could not lose. Foreign journals, like the London *Times*, were never weary of predicting that American greed was at last to be severely punished.

There were several elements in the situation on which Mexico counted. England was supposed to be unfriendly and embittered by the result of their diplomacy in Texas. In spite of the caution of the British minister,

Mexicans were constantly told that England would not abandon them in their hour of distress. With the Oregon question still unsettled at the very opening of the war, this expectation seemed at least plausible. If Mexico should be invaded, its capital seemed to be safe against attack. The city of Mexico lies on a high plateau, almost two hundred miles from the sea, accessible only by a mountainous and almost impregnable road. The Americans had no army and only a small navy, and the whole sea coast was visited every summer by the terrible plague of yellow fever, under which the Americans would succumb. Even Captain Charles Elliot, lately the British minister in Texas, prophesied freely that the war would last twenty years, and would end in the complete exhaustion of the Americans.

But Mexico would not have to wait twenty years for victory. War would bring out all the latent patriotism of her seven million people. America on the contrary, was divided by a bitter quarrel over the question of slavery, and the North would not endure a long and costly war which could have no other effect than to extend the bounds of the South. Were the Mexicans not being told constantly that their cause was just? And were not these sentiments common, not only in the press, but even in the halls of Congress? In the very climax of the war when a small American army was contending against what seemed great odds, Senator Thomas Corwin exclaimed, "If I were a Mexican I would tell you, 'Have you not room enough in your own country to bury dead men? If you come into mine, we will greet you with bloody hands, and welcome you to hospitable graves.'" Nor was he alone. For even Calhoun was opposed to the war, wisely surmising that any added territory would strengthen the North more than the South. And Southern Whigs, like Alexander

H. Stephens, were as much opposed to the war as their northern brethren.

The situation which faced the new President was extremely difficult, and he determined to win success by measures as direct and vigorous as those he used with England in the case of Oregon. He did not desire war and he did not expect war, but he thought that the only chance to avoid war was to insist squarely on what he regarded as our rights.

James K. Polk is an interesting personality, who occupies a higher place as we know him better. He had none of the personal magnetism of men like Clay. He possessed all the political prejudices of a small town politician and lawyer, and did not have the generosity to see much virtue in a political opponent. But he did have a clear head and an iron will, which made it possible for him to follow out a policy to its consequences in spite of difficulties. In a cabinet which contained some very able men he was by common consent the master mind. He listened to advice, but he weighed this for himself, and in matters like the movement for annexing the whole of Mexico, he kept his own counsel and avoided what would certainly have proved a disastrous mistake. We see him in the pages of his diary more clearly than any other American President, day after day, a man of deeply religious temperament, of untiring industry, without the humor or the imagination which have made it possible for smaller men to win the friendship of their fellows. He was called by his enemies in his own day, "Polk the mendacious," or "Polk the mediocre," but the second epithet was even more unjust than the first. Not a man of heroic mould, there were in his make up elements of true greatness. No American President has come to the end of a single term with a larger record of achievement under greater difficulties. And such results

seldom come by accident. He was an isolated, lonely figure, incapable of impressing his personality on his contemporaries and therefore inevitably misunderstood.

Many years later, George Bancroft, the historian, who was Polk's first Secretary of the Navy, remembered that Polk had told him at the beginning that he had four great ambitions; to acquire Oregon, to reduce the tariff, to establish an independent Treasury to replace the banks as depositors of public funds, and to acquire California. Whether Bancroft's memory was correct or not, these four points may be regarded as a summary of Polk's accomplishments.

At any rate, Polk, from the beginning, in common with many other Americans including Webster and most of the men from the west, desired to acquire California and regarded expansion as part of what they called the inevitable destiny of the American people. But it does not follow, as has sometimes easily been assumed, that that desire was a cause of the war with Mexico. On the contrary, Polk's plans ran in quite different grooves. He had reason to believe that California was likely to become independent, and in October of 1845 he sent a special messenger, Lieutenant Gillespie, who crossed Mexico in the guise of a simple merchant, and carried instructions to the American consul at Monterey, Thomas W. Larkin, ordering him to cultivate the good will of the Californians and in case of revolt to accept their allegiance. Above all, he was to be watchful that California did not fall into the hands of another power. These instructions, which partook of the nature of an intrigue, were of course kept profoundly secret. At the same time he sent a special envoy to Mexico in the person of John W. Slidell, a New Yorker now living in Louisiana, and well fitted by his knowledge of Spanish

for such a mission, to reopen diplomatic negotiations, to settle all the questions at issue between the United States and Mexico, and to offer as much as forty million dollars for the settlement of the boundary of Texas at the Rio Grande and for northern California. His instructions made it perfectly clear that the essential points were the opening of peaceful relations, the recognition of the separation of Texas, and some provision for the Mexican debt. The offer for California was in Polk's view a desirable method of clearing up the question of debt, but by no means an ultimatum. All this seemed to him undoubtedly wise, desirable, and just.

What Polk, with his slender knowledge of Mexican conditions, did not realize was the intensity of bitterness at the loss of Texas and the popular eagerness to punish the wicked Yankees. No administration which even opened conversations with an American minister could survive.

And so it happened. Santa Anna had been driven into exile at the end of 1844, and had been succeeded by the pacific Herrera, who had hinted that he might accept an American minister. But although Slidell was unusually discreet, the mere rumor that he was in the country was enough to destroy Herrera, who was promptly required to enter a cab with his respectable side whiskers and the remainder of his faithful followers, and to yield to Paredes, who represented the warlike party, and who desired to see a Spanish prince on the throne of Mexico. After months of patient waiting, the overtures of Slidell were definitely rejected and he was compelled to leave the country. It is only just to remember that whether the terms which he was to offer were wise or not, the only effort to make peace between the two countries came from the American side. When the rejection of Slidell was practically certain, General

Taylor with his little American army of about two thousand men was ordered to advance from the Nueces to the Rio Grande, a position from which he thought that he might defend San Antonio against attack by the larger Mexican forces south of the Rio Grande. War was now inevitable, caused indirectly by the old questions of Texas and the unpaid debts, and immediately and directly by the summary rejection of an American envoy.

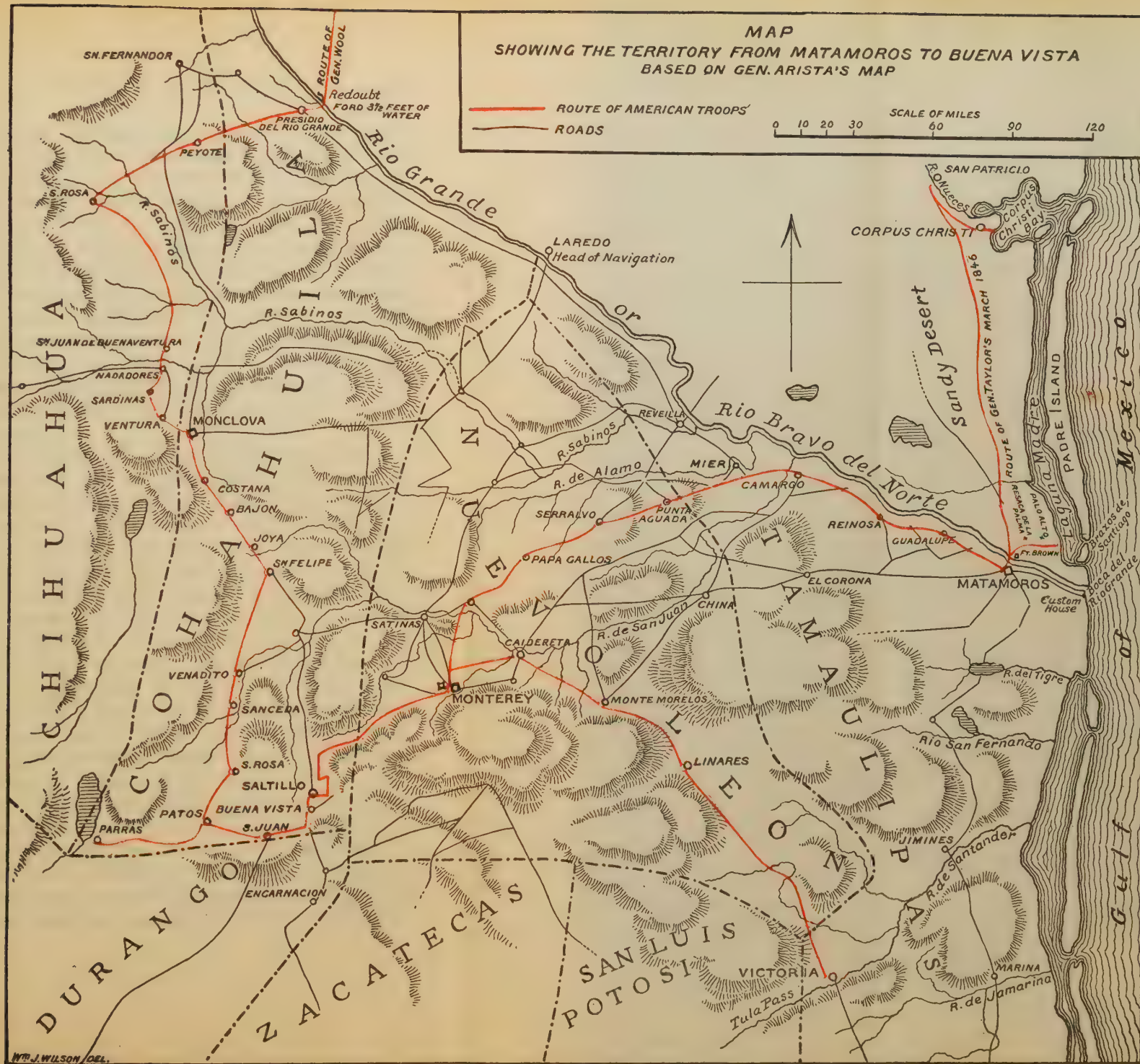
As to the ethical question involved which was so bitterly debated at the time, it is fair to remember that Polk did not desire, and certainly did not plan, a war. He did not require Mexico to yield territory as a price for peace. If he is to be blamed it is for not taking into account sufficiently the difficulties of Mexico, in dealing with her exactly as he would have been perfectly justified in dealing with any nation with a stable government, and in not exercising patience and forbearance a little longer. To this Polk would have answered that patience had ceased to be a virtue and would only increase the evident contempt which Mexico and her friends already had for America. He must conquer peace, or do without it. And he was determined that if we had to fight, the war should be short and sharp, and should more than pay for itself in rich acquisitions of territory.

This was the unanimous decision of the cabinet at their meeting on the ninth of May of 1846. As Polk was beginning to prepare his message, news came from the Rio Grande that the inevitable hostilities had already broken out, that a Mexican force had crossed the Rio Grande, and that a small group of American soldiers had been attacked and compelled to surrender. This news made it possible for Polk to say that "American blood had been shed by Mexican hands on American soil," a phrase which proved unfortunate, since the

MAP
SHOWING THE TERRITORY FROM MATAMOROS TO BUENA VISTA
BASED ON GEN. ARISTA'S MAP

ROUTE OF AMERICAN TROOPS
ROADS

SCALE OF MILES
0 10 20 30 60 90 120



A Map Illustrating the Northern Campaigns of the Mexican War

region between the Nueces and the Rio Grande was in dispute, and which clouded to some extent the real and more convincing reasons for the war which appeared in the other portions of the message. All day Sunday, Polk worked on this document and on Monday, May 11th, sent it to Congress, which voted promptly and by large majorities the necessary measures. It is worth noticing, that there is no particle of evidence that either in the cabinet or in Congress the desire to extend the bounds of slavery had anything to do with the outbreak of war, or that it was even considered until a later time. As Calhoun clearly saw, the newer territories, or the larger portion of them, were quite likely to be additions to the free States.

Already two days before the formal announcement of the existence of war, on May eighth and ninth, two battles had taken place at Palo Alto and Resaca de la Palma north of the Rio Grande, and General Taylor, after bitter fighting, had forced the Mexicans back across the boundary. He was delayed by the inadequacy of his force, which Elliot had prophesied would easily be captured by the Mexicans, but soon occupied Matamoras at the mouth of the river and in the fall advanced to Monterey, a city which lay in the chief pass through the mountains to the south. After heavy fighting, Monterey was occupied, but Taylor was still so weak that he had to allow the Mexican army to withdraw and signed an armistice with them which he hoped might prove a prelude to permanent peace. From Monterey, he advanced through the mountains to Saltillo, an important city on the central plateau.

By this time Taylor was already being advocated by the Whigs for the Presidency. He had a remarkable press agent in the person of Captain Bliss who wrote his reports, and made his exploits familiar to the American

people. And Taylor had exactly the qualities to appeal to the inherent love of the heroic in the common people. He was a vigorous old soldier, who had spent his life in army posts, without losing the simplicity and directness of his character. Without any claims to strategic ability of a high order, he had an inspiring personality and unlimited personal courage, which gained the confidence and the admiration of his soldiers. President Polk was not pleased either by his political ambitions or by what he regarded as his undue leniency to the Mexicans, and as it became evident that the more difficult enterprise of a march to the very center of the Mexican country would be necessary before peace could be secured, he began to look for another commander. After some hesitation, he chose General Winfield Scott to command the decisive expedition which was to advance to Mexico from Vera Cruz, over the old route of Cortez. Early in the year 1847 Scott was compelled to withdraw some of Taylor's best troops for this new enterprise, leaving Taylor in the heart of the enemy country with only about five thousand men. All this seemed an injustice to the hero of Monterey, and served still further to endear him to the people.

In the meantime, in the accomplishment of Polk's original plan, a second expedition under Stephen W. Kearny had set out from Independence, Missouri, over the old route of the traders, to Santa Fé. The first part of this journey, across well watered plains, was sufficiently easy. As he neared the canyons which separated him from the head waters of the Rio Grande, Kearny began to move more cautiously, fully expecting to be attacked at any moment. But these difficult passes were silent and abandoned. What was his surprise to find that the Mexican commander, already unpopular among his people, had issued a valiant proclamation, and

then fled to the south, abandoning the ancient city of Santa Fé to its new rulers. Leaving most of his troops under Doniphan to push south and occupy El Paso and Chihuahua, Kearny, with about five hundred men, started on the long trail across the desert to California. He had barely commenced his journey when he was met by the famous scout, Kit Carson, with surprising news.

Even before the outbreak of hostilities was known, the American settlers on the Sacramento had taken time by the forelock and had started a revolution. Raising their "Bear Flag," and aided by an adventurous explorer, John C. Frémont, the son-in-law of Senator Benton, who, largely to please his well known father-in-law, had been sent on an exploring expedition to that country, they had established an entirely unnecessary republic, which interfered seriously with Polk's desire to conciliate the native Californians, more numerous in the south. Commodore Sloat, cruising on the coast, had waited until he was certain of the outbreak of war, and had then occupied Monterey without firing a shot. The Bear Flag had been quietly replaced with the Stars and Stripes. Los Angeles and the other Mexican towns had been occupied with surprising ease by Commodore Stockton, who had arrived to replace Sloat. According to Carson, the war in California was already over, and he was on his way to Washington with the cheerful news.

Finding even five hundred men unnecessary, Kearny detached all but one hundred and sent the rest to join Doniphan on his march south. He persuaded Carson with difficulty to turn back and to act as a guide and continued his journey.

When the little band reached southern California over the route now traversed by the Southern Pacific Railroad, they found that conditions were not quite so rosy as they had expected. The Americans had not been

tactful in dealing with the native Californians, and the latter had broken into open revolt, and had reoccupied Los Angeles. It was only after sharp fighting that the south was reconquered. The Californians were reassured by a treaty which guaranteed to them security in person and property, and they never again rebelled against American rule.

Thus by the beginning of 1847, Polk had succeeded beyond his fondest dreams, and yet no word for peace had come from Mexico. And the difficulties of the Administration were growing at home. The war, which had seemed necessary at the beginning, became as time went on more and more unpopular. The President was blamed for not making peace promptly, as if that were not now his own chief desire. When he applied to Congress for a large sum for that purpose, his enemies who had not forgotten how he had displaced Van Buren, joined with those who were sincerely opposed to the extension of slave territory and forced through the House a proviso, introduced by Wilmot of Pennsylvania, which required that in all territory to be gained from Mexico slavery should be prohibited. Only with difficulty did the administration forces in the Senate prevent the passage of this measure which seemed likely to divide the country in the midst of foreign war into two discordant sections. The hopes of Mexico had not been entirely without foundation.

By the spring of 1847, Scott was ready for his great adventure with an army which never included more than twelve thousand effective men. General Winfield Scott had won fame as a young man in the war of 1812. He was a man of commanding presence, reputed by his soldiers to be a strict disciplinarian. For years he had been a student of the art of war. He was by training, intellectual vigor, and high qualities of character well

fitted to lead in so difficult an enterprise. His otherwise attractive character was marred, in popular estimation which did not understand the need of discipline, by a certain strain of vanity. His enemies called him "Fuss and Feathers."

The very qualities which won least popularity were very fortunate for the good name of the United States. The undisciplined volunteers had not behaved too well to the people in Matamoras and Santa Fé, but the army under Scott knew that any misbehavior would be punished at once, and an invading army went to the capital of an unfriendly country, gaining at every step the increasing good will of the people. When peace was made not a few in the city saw with keen regret the departure of the American soldiers.

We left the heroic Santa Anna in exile in Havana, from which nearby port he watched the course of events with keen interest against the day of his return. At the beginning of hostilities, he allowed a hint to reach President Polk that if he were back in Mexico he would know how to make peace. When he was visited by an American officer, he even advised a plan for the investment of Vera Cruz. Hoping to benefit by his presence in Mexico, the government gave orders to allow Santa Anna to return through the American blockade, and Commodore Connor looked the other way while a British steamer landed the hero of 1821, not to mention 1836, at Vera Cruz, just as his friends carried through a revolution and replaced Paredes, the monarchist, by a weak but sincere republican.

Whether Santa Anna did not desire to keep his promise or whether he did not dare, it is now impossible to say. But he had not forgotten his histrionic skill. Refusing to accept high office, he simply demanded to be placed at the head of the army against the enemy. And Santa

Anna was the one Mexican who could raise and organize an army.

The plans of Scott which necessitated the weakening of Taylor in the north had fallen into Mexican hands, and Santa Anna's plan was well conceived. General Taylor had advanced with his little army to an exposed position south of Saltillo, and here Santa Anna expected to fall upon him with his army of fifteen thousand men.

The Mexicans pressed north by forced marches, across country the last part of which was dry and barren. On February 22nd, 1847, they came at last upon the Americans at Buena Vista in a strong position in a narrow valley cut by deep gullies. They outnumbered the Americans three to one, but they were ill-equipped and worn with long marches without food or water.

It was Santa Anna's plan to sweep around the American army, cut it off from its base at Saltillo, and force its surrender. In the condition of American politics, such a move might have proved decisive. For two days, the armies fought with great courage and with varying fortune. Taylor sat his white horse in a conspicuous position and gave courage to his men. As marksmen, the Americans were incomparably superior. At the end of the second day, the Americans had held their ground, and the Mexicans withdrew dispirited from the field. Both sides, but especially the Mexicans, had suffered great losses by desertion.

The first news of the battle to reach the United States indicated the defeat of Taylor, and when at length it was known that the Mexican army had withdrawn in failure, the revulsion of feeling was very great, and Taylor was the hero of the war.

It is a curious fact that the battle of Buena Vista made two men President, for Santa Anna also gave out that



A Map to Illustrate the Vera Cruz Campaign

he had been victorious in checking the southward march of the Americans. He reached Mexico City, to find it in the turmoil of revolution, incited by the conservative classes who objected to the heavy weight of taxation. There he soon gained control, and made himself again the dictator of the country.

It was high time. Two weeks after the battle of Buena Vista, Scott reached Vera Cruz with an army of ten thousand men. On account of the difficulties of preparation, Scott was a month later than he had planned, and the yellow fever was sure to be on time. There was no time for a long siege. With the aid of the navy, Scott disembarked his troops unopposed just south of the city. As soon as his guns could be brought through the heavy surf, he commenced a bombardment, which caused much loss of life and property, and Vera Cruz surrendered on the 29th of March. Scott was now ready to commence his long march to the high plateau on which stands the capital of Mexico.

At a difficult pass, on the foothills of mighty Orizaba, the Mountain of the Star, Santa Anna had determined to make his stand near the little hamlet of Cerro Gordo. The position appeared impregnable, but one of the young engineers connected with Scott's staff, Captain Robert E. Lee, discovered a path which outflanked the Mexican position. The Mexicans, finding the American army in their rear, fled in great disorder, and Santa Anna himself, hindered as he was by his famous wooden leg, barely managed to escape on his almost equally famous mule. The terms of many American volunteers were about to expire. Scott had to protect a long line of communications to the coast, and he therefore waited until August in Puebla, a large city on the heights.

When he was ready to advance, Santa Anna had had time to organize still another army from the shattered

fragments of the last, and awaited the Americans in the shadow of his capital. Early in August, Scott made a wide sweep to the south and west, and from that unexpected direction made his attacks. The ground was difficult, the city itself lying in a marshy plain, protected by lakes, and approached only by causeways. In two severe engagements, Contreras and Churubusco, the Americans gained possession of the outer line of defences. An armistice followed, which the Mexicans used to strengthen their position, and after further heavy fighting the Castle of Chapultepec was stormed, and the capital lay at the mercy of the invaders. On September 14th, 1847, the American army occupied the capital of the Viceroy. Scott had suffered losses of more than a thousand men killed and wounded, and many of his foreign recruits had deserted to the enemy. He had certainly managed the campaign with consummate skill which entitles him, in the eyes of military critics, to be included in the list of great commanders.

After the capture of Vera Cruz, Polk had determined to make an effort for peace. With that end in view he appointed Nicholas P. Trist, an under-secretary in the Department of State, to convey his terms to the Mexican Government. Trist was authorized to demand the cession of New Mexico and California, with the right of passage through the isthmus of Tehuantepec, for which he was empowered to offer as much as thirty millions of dollars. He had arrived at Puebla in June, where Scott regarded him as an interloper with authority to interfere with military operations and consequently refused to see him or to furnish means for communicating with the Mexicans. The English minister was anxious to see the war brought to an end, and using his good offices, Trist managed to forward the American terms to their destination. On further acquaintance the two

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men became fast friends, a fact which made Polk fear that they were working for their own political advancement.

When month succeeded month without any signs of peace, and especially when the capital had been captured in September, a movement began in certain sections of the American press for the conquest and the annexation of the whole of Mexico. In the cabinet Walker and Buchanan were advocates of extreme expansion. Polk was utterly opposed to this movement, but thought that the amount to be offered Mexico should now be reduced to not more than fifteen millions, and that perhaps Tamaulipas with the important port of Tampico should be acquired. The presence of an American Commissioner with the army seemed to encourage rather than conciliate the Mexicans, and Trist was ordered to return.

In spite of his recall and the fact that he was now only a private citizen, Trist continued to work for peace, and at length persuaded the Mexican Commissioners to sign a treaty on the second of February, 1848, which ceded to the United States in return for fifteen millions of dollars the whole region that the Americans had demanded, with the exception of the route across the isthmus.

When the news of this treaty reached Washington late in the same month, Polk was angry and disappointed, for he was now ready to demand even more favorable terms. But the news that a treaty had been made could not be kept secret; there were indications that the Whigs would win in the next Presidential election and that they might possibly give up all the gains which had been made. The President could scarcely repudiate terms which he had authorized a few months earlier. Accordingly the treaty was signed and sent to the Senate,

where it was promptly ratified. A region greater than that contained in the original thirteen colonies had been added to the territory of the nation. The period of western expansion had been virtually completed.

The foundations of another American commonwealth in the West had been laid in the same year which saw the capture of Mexico City, on the shores of the Great Salt Lake in Utah. In 1823, Joseph Smith had announced to his neighbors, at Palmyra, New York, that he had discovered in a cave on a hillside some remarkable gold plates, which he alone could read, and which were the revelation of a new religion. It was a time of camp meetings, when men were eagerly seeking for some direct manifestation of divine power, and periods of great religious excitement were common in frontier communities. The gold plates were written in characters described as reformed Egyptian hieroglyphics, which presented in very short space a surprising amount of information. The Book of Mormon, as translated by Joseph Smith, contained a complete account of the early history of the race in a form which reminds one strongly of the Old Testament in the Authorized Version. This was supplemented from time to time by further direct revelations to the prophet to which his followers gave implicit belief, and by means of which he guided their movements and conduct.

By the aid of able lieutenants, one of whom was well educated and is supposed to have rendered material aid in the difficult work of translation, the new teachings spread in a perfectly astonishing fashion. Its missionaries covered the Eastern part of the United States and even went to England, Sweden, Holland, and Germany. In three years, more than four thousand converts were made among the poorer classes in England, a fact that indicates that the power of the Mormon faith was not

wholly due to the peculiar conditions of the American frontier.

There can be no doubt of the complete sincerity and devotion of most of the early followers of Joseph Smith. They followed him to Kirkland in northern Ohio, where they founded a community and built a temple. But their neighbors did not understand them, and regarded their prophet as a plain impostor, whom they proceeded to tar and feather, after the fashion of the West in matters which it did not understand. A bank founded by Joseph Smith for his new community was caught in the disastrous panic of 1837, which we have already described, and failed. The inability of the Mormons to redeem its notes added to their unpopularity, and they sought a new home.

This time they were guided to the northwestern corner of Missouri, where they again established themselves and by great industry began to build the Temple of the Lord. But their neighbors charged them with being abolitionists, and they were driven from the State under circumstances of great hardship. The two political parties were closely divided in the State of Illinois, and to gain their political support in the close election of 1840, the Mormons were allowed to settle at Nauvoo, on the banks of the Mississippi.

Nauvoo grew and prospered. Vessels were chartered which brought converts from Europe, by way of New Orleans, and by 1844 the New Jerusalem, with its Temple, was said to contain fifteen thousand adherents of the Prophet, and to be a larger town than Chicago. The government of the Mormon community was a strict theocracy, which tried its own offenders and would not surrender them to the arm of the Law. The farms of the Mormons were richer and better tilled than any others in the region. On account of their form of govern-

ment, they were charged with harboring thieves and robbers who were said to become Mormons in order to escape arrest. Robbery was common on the frontier, and it was natural to lay the blame for losses on the members of the strange community. It was rumored that Joseph Smith had received a special revelation which authorized and in fact commanded polygamy, and there can be no doubt that about this time the practice of polygamy became one of the customs of the Mormons. Matters came to a head when the Prophet suppressed a newspaper which had been founded to criticize his policy. Joseph Smith and his brother Hyrum were arrested by the aid of the militia with several of their chief followers, and charged with high treason to the State of Illinois. While in prison, the Mormon leaders were attacked by an angry mob, and were murdered under conditions of extreme brutality. The bodies of the two brothers were secretly buried by their sorrowful followers, and they were naturally honored as martyrs to the cause.

In the fall of 1846, when the rest of the country was thinking largely of Oregon and Mexico, the Mormons were compelled to sell their lands at a ruinous loss, to abandon their city and to move west to a new home. They had found a new leader of great practical sagacity in the person of Brigham Young, who had little of the mystic quality which had marked Joseph Smith, but who ruled his people with an even more fatherly care. Under his guidance, after spending the winter in temporary quarters, they set out before the snow melted on the prairies, men, women and children, organized in companies, and subjected to all the rigors of so bitter a journey. Their Temple in Nauvoo was burned by their former neighbors.

A first company, made up of young and vigorous men

under the personal guidance of Young, went on to prepare camps for the rest, and to select the site for a new home. In July of 1847, Young came on the rich valley of the Great Salt Lake, in a distant region which belonged in theory to Mexico, in fact to the first settlers who saw its possibilities. In the autumn the remaining groups began to arrive, and the rich soil began to yield returns to industry and to irrigation. The Treaty of Guadalupe Hidalgo, which Trist had signed, brought the Mormons once more, and within a year, under the sovereignty of the nation which they had so little reason to love deeply. But the beginning of the gold rush to California was soon to bring to a peculiar people unexpected prosperity, as well as unexpected temptations.¹

¹ The chief authority on the war with Mexico is Justin H. Smith, in the light of whose two volumes on that subject many traditional points of view need to be revised. McElroy's *Winning of the Far West*, and Dellenbaugh's *Life of Frémont* should also be consulted. For the Mormons, see Bancroft, *History of Utah*, and Linn, *The Story of the Mormons*. Clelland, *History of California, American Period*, and Paxson, *History of the American Frontier*, contain the results of important research.

CHAPTER XVII

AMERICAN SOCIETY ABOUT 1850

AN English visitor pointed out about 1840 what he regarded as the true mission of America: "To clear the forests, hunt the wild beasts, scatter the savage tribes, and rout the hordes of a less hardy race than their own; then to till the soil, dig in the mines, and work out the rude ways of physical existence—these form the elements of American civilization. She has to do the labor of the world. All the higher duties of human improvement are done for her. The exercises of lofty thought, and the elegancies of art, all come from Europe."

But Americans were not satisfied with such a rôle. A few years earlier, Sydney Smith had asked his famous question, "In the four quarters of the globe, who reads an American book?" At that very time, London was reading Washington Irving's *Sketch Book*, which marked, at least in foreign eyes, the beginning of American literature. In the period which we are discussing, Irving had been preceded by William Cullen Bryant, who in 1817 had published a notable poem, *Thanatopsis*. The novels of Cooper, with their vivid pictures of Indian life and of adventures on the seas, were soon to be translated into all the chief languages of Europe, and Edgar Allan Poe, just leaving, under somewhat of a cloud, the University which Jefferson had founded, was beginning to produce poems whose sheer beauty still make them live.

It was the beginning of the golden age in American literature, a true renaissance of the spirit. For this literature, like every other great movement of the kind, had its roots back in the past, and the earlier American authors were steeped in the great traditions of the English writers who had preceded them. This was especially true of Longfellow, who was at once a man of letters and a scholar, whose knowledge ranged widely, and who introduced a new generation of college men to the beauties of the literatures of Spain and Italy. A group of early historians, followed older models and yet found their inspiration in events which had taken place somewhere in America. Of these perhaps the greatest were Prescott, whose imagination was touched by the romantic history of the Spanish conquerors in Peru and Mexico, and Parkman, who combined in an unusual degree careful accuracy in scholarship with charm of style, as he made to live again the old days of the French and Indian Wars. Motley found a congenial theme in *The Rise of the Dutch Republic*.

Nor was the movement merely imitative. Especially in New England, writers arose who could have come from no other corner of the world, and who translated into the terms of their own day and age what was permanent and enduring in the older Puritanism which had vanished. At the very end of this period, Nathaniel Hawthorne turned the old Puritan traits of almost morbid introspection to literary uses in what is regarded by many critics as the greatest work in American fiction, *The Scarlet Letter*. The moral earnestness of Puritanism, mellowed by a rising belief in the essential goodness of the individual, also appears in the essays of Emerson, while his friend Thoreau awakened a new love of common sights and sounds out of doors, in a spirit which would have seemed to Cotton Mather the very

essence of paganism. Especially in the rising cities of Boston, New York, and Philadelphia, American writers were finding a public which welcomed works of imagination.

In the West and the South, the absence of large cities and the preoccupation of the population with the conquest of the soil did not favor the development of literature. The great planters often had good libraries, but the author's profession was regarded as somewhat below the dignity of the owner of a hundred or a thousand slaves. A few men of letters were to be found in the neighborhood of Charleston, which was the intellectual capital of the old South. William Gilmore Simms wrote more than a hundred novels, the best of which were based on the life of South Carolina during the heroic period of the Revolution. But even the *Partisan* and the *Yemassee* found more readers in London and New York than they did in the author's native state. In the neighboring middle region of Georgia, Augustus Baldwin Longstreet, the son of a pioneer family, who had a remarkable career as a planter, a lawyer, a Methodist preacher, and a college president, found in his *Georgia Scenes* the setting and the characters for a book which opened a new vein in literature. Longstreet's volume is now largely forgotten, but it was later followed by similar pictures of the far West from the pens of "Mark Twain" (Samuel L. Clemens) and Bret Harte. For the most part, the intellectual leaders of the old South turned their attention to the defence of slavery, just as the thoughts of many in New England became more and more absorbed in the struggle for abolition. The poetry of Whittier and Lowell was utilized to express the moral arguments against slavery. To a very large extent, the issues of this bitter conflict absorbed the powers of the best thinkers, and brought to

an end the first period in American literature. The year 1849 which saw the writing of *The Scarlet Letter*, was also made notable by the lonely death of Edgar Allan Poe, who had added to the fame of his early poems by weird and original stories of mystery and crime. In Hawthorne and Poe America had produced the two writers who approached most closely to the power of genius.

In the field of invention, Americans had developed the iron plow and the reaper. In the decade of the forties Dr. Morton of Philadelphia introduced the use of ether as an anæsthetic, taking away many of the almost unbelievable horrors of major operations. Charles Good-year, after many struggles with poverty, developed a process for hardening rubber which was to lay the foundations of industries heretofore undreamed of. Elias Howe, about the same time, patented a practicable sewing machine, which soon transformed completely the methods of making shoes and clothing. Above all, as we have already seen, the inventive genius of Joseph Henry and the zeal of Morse, were rewarded by the completion in 1844 of the first telegraph line.

In the early national period, American schools outside of New England had been either absent or almost unbelievably bad. Even in New England, in which the towns had from colonial days provided from local taxes for the building of schools, facilities had not begun to keep pace with the growth of population and an increasing number of children found almost their only activities in the long hours and the deadening routine of rising factories. In the newer communities of the West, the usual practice was for a group of neighbors to hire a teacher for their children for a few months each year, from whom they might learn the rudiments of reading, writing, and arithmetic. Many of these early teachers were Irish

travellers, and many a boy in the far west had his mother as his only teacher and the Bible as his only text book. In the South the great planters still hired tutors for their children. But of these great families there were never more than three or four thousand. The masses were left without education of any kind, although in the neighborhood of cities private schools were sometimes established.

William Gilmore Simms left a description of his early school life in terms which applied substantially to the whole Southern country: "With the exception of one of those schools I was an example of their utter worthlessness. They taught me little or nothing. The teachers were generally worthless in morals, and as ignorant as worthless. One old Irishman during one year, taught me to spell, to read tolerably, and to write a pretty good hand. He was the best, and he knew little. Not one of them could teach me arithmetic. There was no supervision of the masters or commissioners worth a doit. The teachers, in some cases, never came to the school for three days in the week. We boys then thought these days the best. When they did come, they were in a hurry to get away. The boys did nothing." Even in wealthy and populous states like New York and Pennsylvania, free schools as bad as these were provided only for paupers.

The democratic movement which came largely from the West, had increased the number of voters from one in twenty to one in ten and in some places to one in five of the population. Every new State constitution increased constantly the number of elective offices. The old order was passing in the political world and a new day was beginning to dawn in that of education. The early labor movement, organized in the larger cities in the twenties, had not been able to survive the unem-

ployment and the hard times which followed the great panic of 1837. But the workmen, with the ballot in their hands, were now a power to be feared, and before they gave up their early organizations, they had been able to compel in some of the older states a series of important social reforms. New York, in 1831, abolished the practice of imprisonment for debt, and about the same time both New York and Pennsylvania adopted the principle of free schools, open to all the children and supported by taxation. In 1837, Massachusetts took a long step forward in creating a State Board of Education, with Horace Mann as its able Secretary. Mann had given up a promising career in law and politics to devote himself to the cause of education. He studied carefully the schools of Prussia, at that time the best in the world, and his yearly reports pointed out without mercy the weakness of American schools and the pathway of improvement.

The demand for free schools was regarded at the time as an extremely radical and dangerous innovation. So long as the demand was limited to the glittering generalities of the ordinance of 1787 or of the various state constitutions, there was no cause for anxiety. But the actual creation of free schools was a different and a very expensive step. The Mechanics' Union of New York adopted a report in 1830, which seemed especially dangerous: "When the committees contemplate their own condition, and that of the great mass of their fellow laborers; when they look around on the glaring inequality of society, they are constrained to believe, that until the means of equal instruction shall be equally secured to all, liberty is but an unmeaning word, and equality an empty shadow, whose substance to be realized must first be planted by an equal education and proper training in the minds, in the habits, in the manners, and

in the feelings of the community." Such an appeal was a frank attempt to translate the words of the Declaration of Independence into actual social institutions.

To such appeals, the press of the larger cities was in the thirties, generally opposed. Free schools would take away an incentive to thrift, would weaken the industries which depended on cheap labor, and would make government paternalistic. The *Philadelphia National Gazette* declared, "There will ever be distinctions of condition, of capacity, of knowledge and ignorance, in spite of all the fond conceits which may be indulged, or the wild projects which may be tried to the contrary." And again, "Education may be among the necessities of the working classes; but it is one of that description which the state or national councils cannot supply, except partially and in limited degree." "Education generally, to be effective, must be left to the enterprise and competition of individuals, to the sagacity and liberality of parents, and to the efforts of enlightened associations." Free public education was even described as a form of theft in which property was taken from the thrifty and industrious for the benefit of the lazy! "Universal equal education is impossible, if the trades, manufactories and manual labor are to be successfully prosecuted." And these quotations might be duplicated from many other newspapers of the day. In spite of these arguments, the demand of the common people was successful, and free popular schools spread rapidly throughout the North and West.

These arguments have been quoted at length, because they indicate the astonishing similarity in point of view between many members of the more conservative classes in the North and South. For precisely the same reasons as influential and conservative newspapers in the north-

ern cities opposed free schools, Professor Thomas R. Dew and Chancellor Harper were defending the institution of slavery against all outside attacks. The older South had been brought up in the philosophy of Thomas Jefferson. It had sincerely believed at one time, that, at least as a high ideal, men ought to be regarded as equal in the eyes of society. But now the clearest thinkers saw that these phrases were absolutely incompatible with the existing institution of slavery. Some men, and especially the negro race, were divinely ordained to labor for the others. Others had been equally appointed to rule. Slavery, which the older leaders had regarded as temporary, essentially evil, was now defended as a positive good. There were even those who advocated the reopening of the slave trade with Africa. And such a step was logically necessary to those who believed that slavery is a Godgiven institution, prescribed in Holy Writ, protected in the Constitution of the Republic, and, above all, written in clear terms in the broad book of human nature. Dew stated the new social philosophy in terms which have never been surpassed in the frankness of complete sincerity: "The exclusive owners of property ever have been, ever will and perhaps ever ought to be, the virtual rulers of mankind. . . . It is the order of nature and of God that the being of superior faculties and knowledge, and therefore of superior power, should control and dispose of those who are inferior. It is as much in the order of nature that men should enslave each other as that other animals should prey upon each other." The new leaders of thought in the South, like the workers in the North, also believed in education of the ruling race, but for the very different reason, that only so can the state be protected against ignorant attacks upon its existing institutions. Calhoun expressed this feeling when he

said that America was in danger of becoming "a unified democracy."

It was no mere accident in dates that in the same year, 1831, imprisonment for debt was brought to an end, popular education came to be demanded as a right of the workers, majority rule became effective in the government of various states, and William Lloyd Garrison started the publication of the *Liberator*. To those who still believed, with Henry Clay, in gradual emancipation, with colonization of the freedmen in Liberia, Garrison replied with the enthusiasm and the scorn of a reformer and a fanatic. "I am aware," he said, "that many object to the severity of my language; but is there not cause for severity? I will be as harsh as truth, and as uncompromising as justice. On this subject, I do not wish to think, or speak, or write with moderation . . . I am in earnest—I will not equivocate—I will not excuse,—I will not retreat a single inch,—and I will be heard!"

In New England, which had little actual contact with slavery, the starting point of the abolition movement was the eighteenth century philosophy of human rights which, curiously enough, was essentially Jeffersonian. Garrison was a thorough going radical, as he showed later when he declared that the "compact which exists between the North and the South is a covenant with death and an agreement with Hell,—involving both parties in atrocious criminality and it should be immediately annulled." In this form, the abolition movement did not gain the confidence of the country and made comparatively few direct converts. Its leaders were subjected for their radical utterances to social ostracism, even in New England, and to such mobs as the one which dragged Garrison through the streets of Boston and to another which six years later, murdered Lovejoy in Illinois.

In the middle States, and especially along the Ohio river, there was another group of the opponents of slavery who were impressed with the concrete evils of the system, who were ready enough to aid any negro to escape across the river, but who also saw that abolition of slavery would not wholly solve the much deeper problem of the presence of two races in the same territory. To this milder group belonged Abraham Lincoln who said a little later, "I surely will not blame them for not doing what I should not know how to do myself. If all earthly power were given me I should not know what to do with the existing institution." The leaders were actuated by a distinct hostility to slavery as a system. Many of the followers realized, half instinctively, that the spread of great plantations would spell the death knell of their hopes for free farms in the West. Many of the laborers in the eastern cities who had themselves no desire to go west, recognized in the freedom of the West, the essential basis of high wages and democratic privileges for their class. Horace Greeley, in the radical New York *Tribune*, was at first chiefly interested in the question of free land, and only gradually and later came to see the essential connection between the problem of the expansion of slavery and that of the preservation of the rights of the common man.

Garrison had not believed in the use of political means to the end which he desired. In that respect he was a type of revolutionist. But the western antislavery movement, under the leadership of James G. Birney, who had been himself a planter in Alabama, was determined to use every political weapon to prevent the extension of slavery into the newer territories. The Free-soil men nominated in 1840 and again, as we have already seen in 1844, Birney for the Presidency on a platform which called for the abolition of slavery in the

territories, and especially in the District of Columbia. This creed found expression in the halls of Congress at the time of the Mexican War in the Wilmot Proviso. The essential relation of this form of abolition to other radical movements of the day is seen in the slogan of the party platform, "Resolved, That we inscribe on our banner 'Free Soil, Free Speech, Free Labor, and Free Men, and under it will fight on, and fight ever, until a triumphant victory shall reward our exertions.'" Thomas H. Benton of Missouri was a slaveholder, but he was also the chief exponent of a policy of homesteads in the West for actual settlers. For this reason, he became a leading opponent of the expansion of the bounds of slavery. The whole abolition movement gained in strength every year, and finally became a menace to the South, precisely because it was more than a movement for the negro. It was essentially a part of a democratic movement in which the small farmer of the frontier and the artisan in the East had a necessary stake.

The same decades which saw the rise of abolition were also marked by numerous efforts to found ideal communities within the limits of the United States. The earliest of these attempts had been made under the influence of religion. The members were often simple German peasants who obeyed their leaders, and two or three of these groups are still in existence. In the two decades before 1850, other communities were founded under the influence of Robert Owen, the father of English factory laws. Owen bought a tract of land in Indiana and established a settlement called New Harmony to which he invited those who were discontented with the conditions that they met under the existing social system. The doctrines of the French communist Fourier found American apostles of ability in Albert

Brisbane and Horace Greeley and established ideal villages, the most famous of which was Brook Farm, that attracted for a time a group of the writers of New England. The last serious effort was by the followers of Cabet, who had written a book somewhat like More's *Utopia*, and who bought the abandoned property of the Mormons at Nauvoo, and established there a community of French communists called Icaria. These communities failed for various reasons, the chief of which was the fact that they did not sufficiently take into account the ordinary weaknesses of human nature. Their members were absorbed into the vigorous tide of individualistic society which surged about them. Their leaders in Europe turned to the abolition of age old wrongs in the great revolutionary movement of 1848, and the leaders in America found themselves equally involved in the great contest to do away with slavery. First and last, it has been estimated by a careful student, that as many as one hundred thousand persons belonged at one time or another to communities of this general character. They are perhaps a mistaken indication of the restless effort of democracy to solve immensely difficult problems.

At the beginning of the national period, the Congregational churches of New England and the Episcopal in the South were the dominant religious bodies. The churches of Massachusetts were supported by taxation until 1833, and until that time church membership was a common requirement for voting and holding office. The Roman Catholics were strong in the cities of Baltimore and New Orleans, but in other sections of the South, the Episcopalians included most of the wealth of the community, in spite of the fact that their total membership did not exceed twenty thousand. With the commencement of the westward movement, the Presbyterians gained in strength as the Scotch-Irish

spread out through the valleys into the regions across the mountains. The earlier settlers in the West were easy-going in their religious views and practices. To them came as missionaries the circuit rider and the Baptist preachers, men often possessing little education but great earnestness, who accepted wide parishes and overcame dangers of floods, of Indians, and of highway robbers for the purpose of bringing their gospel to the farthest settlements. Bishop Asbury, who may perhaps be regarded as the greatest of the circuit riders, travelled in the search of converts more than three hundred thousand miles over almost impassable roads. Others, less famous, accepted without question the assignments made by the Bishop, and forsook family and comfort, serving for salaries which were sometimes as low as fifty dollars a year. Such devotion made an almost incalculable impression on the tone of society, the marks of which are still evident in every village of the middle west. A great revival, with its camp meetings and excitement, started in Kentucky in 1800, and similar revivals were common throughout the country about 1828. In the half century from 1800 to 1850, the Presbyterians increased from forty thousand to one-half a million, the Baptists from one hundred thousand to eight hundred thousand, and the Methodists from sixty-five thousand to more than a million and a quarter.

Joseph Smith, with his dream of reëstablishing the ten lost tribes in an ideal community, was not the only Prophet of a new religion to arise in this period. Alexander Campbell, a remarkable preacher of great moral earnestness, who had been born a Scotch-Irish Presbyterian, received a call to reëstablish in its simplicity the original religion of Jesus and made many converts, especially among the Baptists of the Western Reserve. William Miller, by a careful reading of the books of

Daniel and Revelation, became convinced that the world was to end in the year 1843. He gained thousands of converts to his views. The date was set first in April. Great tents were established in New York, Boston, and Philadelphia in which the Millerites, as they were called by their neighbors, gathered in large numbers to await the coming of Christ and of his angels. Men had sold their business property, and some went mad in the dread of the great event. When the fateful night wore to morning without result, it was announced that through a miscalculation, it had been necessary to postpone the end of the world until October. The converts were still convinced of the knowledge of their leader. The same scenes were repeated, but on the morning of their second disappointment the wearied crowds picked up again in disillusionment the ordinary threads of life. More than once, in western villages, there appeared a new Messiah or a new Elijah to usher in the age of gold.

After each revival, some naturally fell away, but more remained. Drinking became less common, the moral tone of society was improved, and a marked tendency appeared to insist on the keeping of the Sabbath, and to apply to daily life the literal interpretation of Scripture. Missionary societies were founded, which sent devoted men and women to regions of which few Americans had heard, and which had been visited before only by the ever present Yankee trader. A great society was maintained for the publication of Bibles and religious books. Even when common schools were in their infancy, little denominational colleges and academies were established throughout the West and South.

In 1800, New England was still true to the orthodox tradition of the Puritans, and the South was the home of rationalism. By 1830, this had wholly changed. With the increase of wealth and education, the leaders

in New England became convinced that God was more human than they had thought, and that man was more divine. Under the influence of Channing, and later of Parker, the churches in New England accepted a theology which was astonishingly like that of Jefferson, who had believed that human reason is a safe guide to the knowledge of God and duty. But the Unitarians and Universalists gained few adherents outside of New England, and under the influence of the newer sects the South became more conservative. In the early years of the century, Dr. Thomas Cooper had lectured in the critical spirit of modern times, at the University of South Carolina, on the Pentateuch. In 1834 he was brought to trial for "shameless atheism," and at the age of eighty, was driven from the post which he had done so much to make notable. Heresy was a mark of social distinction in Boston, at the same time that it was emphatically unpopular in Charleston and Savannah. Even the State Universities which had been founded in imitation of the University of Virginia, fell largely under denominational influence and control.

By 1840, the South had become a unit in its feeling as to slavery. In spite of the fact that in the great region from Charleston to San Antonio, there were not more than three or four thousand planters who owned as many as one hundred slaves, and that not more than four hundred thousand people owned any slaves at all; the poorer groups in the sand hills and the pine barrens feared abolition and the competition of the free negro almost as much as the great cotton magnates. Without property, they found in slavery the only guaranty of their superior position. The churches, the newspapers, and the prestige of wealth and education were all on the side of the preservation of slavery. It is a curious fact that the same type of men who become free soilers in

Ohio, were in almost complete agreement with their own leaders in the lower South. There has never been such complete unanimity in any section of the United States over a great controversial question.

With the rise of the abolition movement, and especially with the change of that early agitation into the free soil movement about the time of the Mexican War, the bonds between the South and the rest of the nation grew visibly weaker. There were four of these bonds: the old ties of sentiment and affection, the close commercial relations between the southern planter and the merchants of the North, the political ties created by the two great national parties, and the common membership in the two great popular denominations, the Baptists and the Methodists.

But the religious bonds were soon to break. In 1843, Orange Scott, a very able Methodist preacher in New England, carried the cause of abolition to the members of his church. The abolition movement became touched with a deep religious fervor. The next year the General Conference of the Methodist Church demanded that Bishop Andrew, who had inherited one or two slaves, should give up the functions of his office as long as he was a slave-holder. Such a course was difficult on account of the fact that the laws of Georgia forbade the emancipation of negroes. Furthermore, it meant the recognition that slavery was contrary to the Christian religion, at a time when every southern preacher was fully convinced that it was ordained of God. The southern delegates withdrew to found a separate organization. One year later, the Baptists also decided to separate into two organizations, when their Foreign Missionary Society refused to send slave-owners as missionaries. Thoughtful persons began to foresee that the other ties would also break, and that quite soon.

In the meantime, events were taking place in Europe which were to modify profoundly the qualities of American society. The people of Ireland and many of the peasants of the Rhine Valley lived almost exclusively on the potato. Whole generations grew up and passed away without ever tasting meat. In the fall of 1845, it was rumored that a strange disease had affected the necessary crop. In the next year the potato disease destroyed the whole crop, and spread to other sections of Europe. In Germany floods completed the work of devastation. The Irish, especially, had no money with which to buy any other food. The extent of the catastrophe has been vividly described by Justin McCarthy: "Not a county in Ireland wholly escaped the potato disease, and many of the western and southern counties were in actual famine. A peculiar form of fever, famine it was called, began to show itself everywhere. A terrible dysentery set in as well. In some districts, the people died in hundreds daily from fever, dysentery, or sheer starvation. . . . In some of the districts the parochial authorities at last declined to put the rate payers to the expense of coffins for the too frequent dead. . . . Along the country roads one met everywhere groups of gaunt, dim-eyed wretches, clad in miserable old sacking and wandering aimlessly with some vague idea of finding food. Many remained in their empty hovels and took death there when he came. In some regions the country seemed unpeopled for miles." The generous private contributions which came from England and America could do little to allay so vast a calamity.

The population of Ireland declined in a few years from six millions to less than four. To a people in such a state, the stories of abundant food and open lands in the great republic across the seas beckoned like the fabled gold at the end of the rainbow. The sailing

packets, now first meeting the competition of the newer steamships, welcomed the chance to increase their business. Passage to America could be secured for five pounds. Many could not obtain so great a sum, but each packet could be made to hold three hundred emigrants. The miseries of the journey were very great. The food was scanty, the water sometimes not fit to drink, and many had the mark of death already set upon them before they started. It has been estimated that of the first ninety thousand who started on the long voyage, as many as fifteen thousand had died before they reached the promised land. Those who survived, again, as in Colonial times, had been subjected to a ruthless "natural selection"!

The necessities of the German peasants were not so insistent, but still sufficiently strong. In Bavaria, the people of many villages sold their property, and with their clergyman at their head, set out for Havre which was the nearest port. One who watched the movement wrote, "It is a lamentable sight when you are travelling in the spring or autumn on the Strasbourg road, to see the long files of carts that meet you every mile, carrying the whole property of these poor wretches who on the strength of a lying prospectus are about to cross the Atlantic. There they go slowly along, their miserable tumbrils drawn by such starved, drooping beasts, that your only wonder is how they can hope to reach Havre alive." Each cart contained the property which the owner could afford to take along. On top were the old and sick, and the children whose white heads peeped out over piles of bedding. The long file seemed like a convoy of wounded from some disastrous battlefield.

And such a movement was indeed more finally significant than many a famous battle! The number of people who in 1831 came from the Old World had been

only twenty-three thousand. The tide varied with the prosperity of the United States, but in 1848 the number of immigrants was more than two hundred and ninety-six thousand. In that year a revolution spread throughout Europe, which at first gave great promise of success. When reaction set in, another group of well educated immigrants came in large numbers, some of whom, like the young Carl Schurz, had barely escaped from the rigors of a Prussian military prison. The population of the United States had in 1850 risen to more than twenty-three millions. Of these almost a million were foreign-born Irish, and more than two and a quarter millions were recent immigrants. In proportion to existing population, it was one of the most remarkable migrations in the history of the world.

The Irish had known no other life except agriculture, but they had no surplus capital to move out into the West. They settled largely in the eastern cities, or found employment in the building of the railroads which were now spreading in a great network in the East, and stretching their long arms out towards the Great Lakes. They brought to a new land, not only their poverty, but their social qualities, their imagination, and above all their age old hatred of England and the English. Within a generation, they had applied their political gifts to the control of the greater cities. Roman Catholic to a man, they seemed to some of their Protestant neighbors a menace to American Institutions. A Native American movement arose and gained some adherents, whose chief ideal was the limitation of immigration. But for the most part, the Irish were sincerely welcomed, especially by the hard pressed politicians, and most of them became members of the Democratic party.

The Germans, on the contrary, went in large numbers directly west, and took up rich lands, which the govern-

No. 4.—AREA AND POPULATION: CONTINENTAL UNITED STATES, 1790 to 1920

[NOTE.—The enumeration of 1870 was incomplete in the Southern States. The last column shows the estimated rate of increase each decade with correction for that census]

Census year	Area (square miles)			Population				
	Gross	Land	Water	Number	Per square mile ¹	Increase over preceding census		
						Number	Per cent	Corrected per cent estimated
1790.....	892, 135	867, 980	24, 155	3, 929, 214	4. 5	.....	.....	.....
1800.....	892, 135	867, 980	24, 155	5, 308, 483	6. 1	1, 379, 269	35. 1	.....
1810.....	1, 720, 122	1, 685, 865	34, 257	7, 239, 881	4. 3	1, 931, 398	36. 4	.....
1820.....	1, 792, 223	1, 753, 588	38, 635	9, 638, 453	5. 5	2, 398, 572	33. 1	.....
1830.....	1, 792, 223	1, 753, 588	38, 635	12, 866, 020	7. 3	3, 227, 567	33. 5	.....
1840.....	1, 792, 223	1, 753, 588	38, 635	17, 069, 453	9. 7	4, 203, 433	32. 7	.....
1850.....	2, 997, 119	2, 944, 337	52, 782	23, 191, 876	7. 9	6, 122, 423	35. 9	.....
1860.....	3, 026, 789	2, 973, 965	52, 824	31, 443, 321	10. 6	8, 251, 445	35. 6	.....
1870.....	3, 026, 789	2, 973, 965	52, 824	38, 558, 371	13. 0	7, 115, 050	22. 6	26. 6
1880.....	3, 026, 789	2, 973, 965	52, 824	50, 155, 783	16. 9	11, 597, 412	30. 1	26. 0
1890.....	3, 026, 789	2, 973, 965	52, 824	62, 947, 714	21. 2	12, 791, 931	25. 5	.....
1900.....	3, 026, 789	2, 974, 159	52, 630	75, 994, 575	25. 6	13, 046, 861	20. 7	.....
1910.....	3, 026, 789	2, 973, 890	52, 999	91, 972, 266	30. 9	16, 977, 691	21. 0	.....
1920.....	3, 026, 789	2, 973, 774	53, 015	105, 710, 620	35. 5	13, 738, 354	14. 9	.....

Source: Bureau of the Census; Department of Commerce.

¹ Based on land area.

No. 68.—IMMIGRATION: YEARS ENDED JUNE 30, 1821 TO 1923

[NOTE.—For 1821 to 1855 the figures represent alien passengers arriving; for 1856 to 1903, immigrants arriving; for 1904 to 1906, aliens admitted; for 1907 to date, immigrant aliens admitted]

Period or year	Number	Year	Number	Year	Number
1821-1830 ¹	143, 439	1879.....	177, 826	1902.....	648, 743
1831-1840 ²	599, 125	1880.....	457, 257	1903.....	857, 046
1841-1850 ³	1, 713, 251	1881.....	660, 431	1904.....	812, 870
1851-1860 ⁴	2, 511, 060	1882.....	788, 992	1905.....	1, 026, 499
1861-1870.....	2, 377, 279	1883.....	603, 322	1906.....	1, 100, 735
1871-1880.....	2, 812, 191	1884.....	518, 592	1907.....	1, 285, 349
1881-1890.....	5, 246, 613	1885.....	395, 346	1908.....	782, 870
1891-1900.....	3, 687, 564	1886.....	634, 203	1909.....	751, 786
1901-1910.....	8, 795, 386	1887.....	490, 109	1910.....	1, 041, 570
1911-1920.....	5, 735, 811	1888.....	546, 889	1911.....	878, 587
1900-1904.....	3, 255, 149	1889.....	444, 427	1912.....	838, 172
1905-1909.....	4, 947, 239	1890.....	455, 302	1913.....	1, 197, 892
1910-1914.....	5, 174, 701	1891.....	560, 319	1914.....	1, 218, 480
1915-1919.....	1, 172, 679	1892.....	579, 663	1915.....	826, 700
1870.....	387, 203	1893.....	439, 730	1916.....	298, 826
1871.....	321, 350	1894.....	285, 631	1917.....	295, 403
1872.....	404, 506	1895.....	258, 536	1918.....	110, 618
1873.....	459, 803	1896.....	343, 267	1919.....	141, 132
1874.....	313, 339	1897.....	230, 832	1920.....	430, 001
1875.....	227, 498	1898.....	299, 299	1921.....	805, 228
1876.....	169, 986	1899.....	311, 715	1922.....	309, 556
1877.....	141, 857	1900.....	448, 572	1923.....	5' 2, 919
1878.....	138, 469	1901.....	487, 918		

Source: Annual Report of the Commissioner General of Immigration, Department of Labor

¹ Oct. 1, 1820, to Sept. 30, 1829.

² Oct. 1, 1830, to Dec. 31, 1840.

³ Jan. 1, 1841, to Dec. 31, 1850.

⁴ Jan. 1, 1851, to June 30, 1860.

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ment offered for a dollar and a quarter an acre. Cincinnati, Buffalo, Chicago, St. Louis, and Milwaukee, became in a short time German cities. Wisconsin and Missouri grew very rapidly in population. The Germans brought into American life their love of music, their capacity to do skilled labor which required care and precision, and they modified the rising tide of the new Puritanism with their continental Sunday and their love of social amusements. Wherever they went, the earlier German immigrants, and especially those who came after 1848, brought their hatred of aristocracy in any form, and added strength to the rise of the Free Soil movement.

The immense acquisitions of new territory at the end of the war with Mexico, brought this movement into immediate conflict with the demand of a socially united South for the protection and the preservation of slavery. The conflict was now inevitable, but might have been postponed for leisurely consideration if it had not been for an unexpected change in California.

Just two weeks before the treaty of peace was signed by Trist at Guadalupe Hidalgo, a workingman employed on a mill race near Sutter's Fort found glittering particles in the sand. The tests made by Sutter and his foreman convinced them that they were close to an immense fortune. For a few months the secret was closely guarded, but in May a Mormon, who had been sent to establish Sutter's claim, rode through the streets of the straggling village of San Francisco waving a bottle of gold dust and shouting, "Gold, gold, from the American River!" Men abandoned their little shops, sailors deserted from the ships. The excitement spread to Monterey, and the gold rush had begun. In June, 1848, there were two thousand men at the diggings. In August the number was estimated at ten thousand.

In these early days the rewards of those who could be on the ground promptly were prodigious. It was not merely that a few individuals made fortunes of thousands of dollars, but that the general average was high. Any one could make ten dollars a day with little labor. In the first six months after the great discovery it is reliably estimated that as much as six hundred thousand dollars in gold was picked up. The first miners were mostly hard working American pioneers, who established rude but just local government in the mining camps. It was a golden age of "faithful pardners" and rich rewards.

The news reached far away China before it did the capital of the nation. The official messenger had to travel by way of Peru and Panama. From the isthmus he reached New Orleans, which now heard for the first time the surprising news. In September, 1848, he reached Washington and placed a bottle of gold dust on exhibition at the War Office. On September 21, the Washington correspondent of the New York *Herald* announced, "All Washington is in a ferment with the news of the immense bed of gold which it is said has been discovered in California. Nothing else is talked about. We do not know what to think of this gold story; it looks so marvelously like a speculation to induce a rapid emigration. It may all be true, we should all be sorry in this enlightened age to declare our disbelief in anything." But one week later he had caught the fever, "The account of the gold sands found on the banks of the Sacramento, and the immense quantity of gold daily gathered by the people who flock to the rich Pactolus almost exceed in romance and in riches the ancient stories about El Dorado."

Throughout the country, thousands of men made ready to reach the gold fields. The list of articles advertised in the newspapers as absolutely necessary to

success in California reads like a poem of Walt Whitman. It was quite too late that winter to take the overland trail. But the routes by sea were open. Individuals and companies chartered ships and sailed around Cape Horn, eager to reach California before all the best places were preëmpted. Still others went to Panama and, crossing the isthmus by native canoe and on mule back, were eagerly waiting for the steamer which had recently been sent from New York. Others went to Vera Cruz and, over the road made famous by the campaigns of Scott, reached Mexico City and then the coast. In Mexico and on the isthmus many succumbed to fever and disease. But in that first winter at least seventeen thousand men had gone to California. When the ships reached San Francisco each was in turn deserted. At one time in 1849, five hundred sailing craft were lying idly at their anchors in the broad harbor of the Golden Gate. The population of the mining camps became a motley crowd from Chile, from China, and from the penal settlements in Australia as well as from the United States.

In the spring another wave of population commenced across the plains which was to be followed by others for the next three seasons. In that first spring and summer, at least thirty-five thousand men, women, and children crossed the Missouri River and turned their faces westward on the old trails of the fur traders and the early settlers. In daylight the plains glittered with the canvas covers of the prairie schooners, and at night the camp fires gleamed in an unbroken line as far as the eye could reach. In August the great caravan had passed over South Pass and beyond the new settlement of the Mormons at Salt Lake City.

One of the forty-niners has left a diary with vivid pictures of the difficulties of the march through the

desert: "August, 2nd, Started out by four o'clock this morning; at six stopped to cook our breakfast and lighten our wagons by throwing away the heavier portions of our clothing and such other articles as we can best spare. We pushed on today with as much speed as possible to get through the desert, but our cattle gave such evident signs of exhaustion that we were compelled to stop. . . . The desert through which we are passing is strewn with dead cattle, mules, and horses. . . . Vast amounts of valuable property have been abandoned and thrown away in this desert—leather trunks, clothing, wagons, etc. to the value of at least a hundred thousand dollars, in about twenty miles. I have counted in the last ten miles 362 wagons, which in the states cost about \$120 each."

In contrast to the early movement by water, the unit in the march across the plains was the family. For these were American pioneers, whose fathers had crossed the Alleghanies, and who were seeking not merely gold, but new homes and new opportunities across the white peaks of the Sierras.

In spite of difficulties, the spirit of the movement was one of youth and high adventure, as appears in the songs which were written for the occasion:

"I'll scrape the mountains clean, my boys,
I'll drain the rivers dry,
A pocket full of rocks bring home,
So brothers, don't you cry!
Oh, California!
That's the land for me,
I'm going to Sacramento,
With my washbowl on my knee."

So sang the early group who went by ship. The men who crossed the plains had their songs too:

"Where the Bay of San Francisco—the Naples of the West—
Lies sleeping like an infant beside the ocean's breast;
There we go with dauntless spirits, and we go with hearts elate,
To build another empire—to found another State!"

In the meantime, the administration of President Polk had drawn to a close, to the evident relief of that wearied individual, who could now leave to his successor the cares and disappointments of office. The Democrats had nominated for the Presidency Lewis Cass of Michigan, and the Whigs had again turned from their natural leaders and accepted as their candidate the chief popular hero of the war with Mexico in the person of General Taylor. The Democrats were weakened when the Free Soilers selected as a candidate their old leader, Martin Van Buren, who still had a strong following in New York. In that pivotal State, Van Buren received more votes than Cass, and General Taylor was elected. Van Buren had been able to avenge the failure of the Democrats to nominate him for the Presidency in 1844.

The new President was a citizen of Louisiana, in which state he had a plantation with a thousand negro slaves. Jefferson Davis of Mississippi had married his daughter. Southern leaders had therefore hoped that he would see to it that the South received what it regarded as equal treatment in the important matter of the new regions which had just been so happily acquired. But the President was soon found to be a nationalist, who leaned for advice on William H. Seward of New York, rather than on any of the older leaders of the party. The immense increase in the population of California, made some provision for the permanent government of that region absolutely necessary, if for nothing else, to give security to land titles which had now become so valuable. Taylor did not believe that there was anything to compromise, and that the people of both California and New

Mexico should be encouraged to form state constitutions and at the earliest possible moment to apply for admission to the Union. California acted at once on the hint of the Military Governor. A constitutional convention met at Monterey in September, 1849, which framed a constitution modelled on that of Iowa and which prohibited slavery in the limits of the new State. In spite of the fact that this convention contained members who had come from the South, it was universally agreed that slavery should be excluded, and the constitution was adopted by the unanimous vote of the convention, and was approved by a very large majority of the people.

The application of California for admission as a free State reached Congress in December of 1850. It was a question which in the circumstances could not be evaded or postponed. It brought the country face to face with the conflicting claims of slavery and freedom, of North and South. The various efforts to solve these problems form the central theme of the next ten years.¹

¹ For American social and economic conditions about 1850, see especially, Commons and Andrews, *Documentary History of American Industrial Society*, Volumes VII and VIII, and McMaster, *History of the People of the United States*, Vol. VII, 598 ff., and Vol. VIII (*passim*). Channing, *History of the United States*, especially Vol. VI, contains important chapters on social and religious conditions.

CHAPTER XVIII

THE IRREPRESSIBLE CONFLICT

WHEN Congress met in December of 1849 to consider the application of California for admission as a free state, thoughtful men remembered what Thucydides had said of Greece at the opening of the Peloponnèsiàn war: "The Greeks," he said, "did not understand each other any longer, though they spoke the same language; words received a different meaning in different parts."

Although only a minority of the Southern people were themselves slave owners, the whole economic and social system of the old South was built upon the plantation, just as that of the North centered in the small farm and the factory. Wealth in the South consisted of only three things, land, slaves, and live stock, and the value of the slaves had risen by leaps and bounds with the increasing market for cotton. By 1850 the slaves were worth a billion of dollars, a sum which was to be multiplied at least twice in the decade before the outbreak of war.

At the time of the Revolution, even the most prominent citizen of South Carolina, Henry Laurens, had written: "You know, my dear son, I abhor slavery. . . . The day, I hope, is approaching when from principles of gratitude as well as justice every man will strive to be foremost in showing his readiness to comply with the golden rule. Not less than twenty thousand pounds sterling would all my negroes produce if sold at public

auction tomorrow. . . . Nevertheless I am devising means for manumitting many of them, and for cutting off the entail of slavery. Great powers oppose me—the laws and customs of my country, my own and the avarice of my countrymen. What will my children say if I deprive them of so much estate? These are difficulties, but not insuperable. I will do as much as I can in my time, and leave the rest to a better hand. I am not one of those . . . who dare trust in Providence for defence and security of their own liberty while they enslave and wish to continue in slavery thousands who are as well entitled to liberty as themselves. I perceive the work before me is great. I shall appear to many as the promoter not only of strange but of dangerous doctrines; it will therefore be necessary to proceed with caution.”¹ And these words had been echoed at once by the radical Jefferson, and the conservative Washington.

By 1850, such sentiments would have been impossible in the lower South. More than one leader said that the opening phrases of the Declaration of Independence, that “all men are created equal, with certain inalienable rights, among which are life, liberty, and the pursuit of happiness,” were a palpable absurdity, even as an ultimate ideal. In the meantime the difficulties which Laurens had recognized so clearly even in his own day, had greatly increased. Slavery had been abolished in Hayti in 1793 and in Jamaica in 1833, and in each case the results had been calamitous. Emancipation had been easy in the Northern states, where slavery had never taken root.² But emancipation in a region which con-

¹ Quoted by U. B. Phillips, *American Negro Slavery*, page 125, a book which contains an authoritative and impartial account of conditions under the plantation system in the Old South. See, also, Dodd, W. E., *The Cotton Kingdom*.

² Some of the slaves were sold in southern markets before the time set for emancipation. Phillips, *op. cit.*, p. 187.

tained three millions of slaves with no possible outlet, would involve not only an economic but a complete social revolution. After Nat Turner's insurrection in Virginia in 1831, many Southern communities lived in terror of similar horrors on a wider scale. Accordingly, abolition could not be discussed, the slaves were often prohibited from learning to read, and restrictions were placed in the way of voluntary manumission. The lot of the free negro became harder. Expelled from the South, he was welcomed nowhere in the North.

Candid Southern leaders like Robert Toombs of Georgia recognized certain evils in slavery, but they regarded these evils as incidents in a larger good. Family ties were disregarded and marriage had no sacredness in law. But the harshness of this condition was usually mitigated in practice by the reluctance of the more kindly owners to sell children or wives without mothers and husbands. Toombs thought that evils of this kind could be abated without striking at the root of slavery. Over against occasional cruelty, he saw that the great mass of the slaves were happy and contented, that they were protected by their economic value, that they had security in sickness and old age, that they did not work harder than they would have to work under a system of daily or weekly wages. He believed sincerely that a transition to a system of wages would decrease their efficiency, without adding to their security or happiness. In other words, given two races living side by side, he believed that emancipation, either rapid or slow, would solve a few incidental problems and create vastly greater and more difficult social evils.¹

In the meantime, as we have seen, the small farmers and the free workers of the North, and especially the Northwest, had accepted as their creed the doctrines of

¹ Phillips (U. B.), *Life of Robert Toombs*. Chapter vii.

essential human rights which found their immortal expression in the Declaration of Independence. Each human being has a right to be free, and in freedom can find an opportunity for development. Slavery, which Toombs regarded as a form of labor, the radical Northwest had learned to think of as a vast prison of which the branding iron and the sale of children were the essential and not the incidental features. To one section, the present negro seemed a kindly and attractive servant, essentially different from the white man and therefore belonging to a different sphere in life and requiring different treatment. To the other section the absent negro seemed only another type of white man with a black face. There can be little doubt that the rising tide of abolition sentiment was only kept in check by the profound respect which all Americans have for law and especially for the conservative provisions of the Constitution.

How long would these conservative forces prove effectual? The South, speaking through the aged Calhoun, now about to leave the stage on which he had played so prominent a part, answered only so long as it retained its equality in the Senate and its influence in the Presidency and in the Supreme Court. The whole civilized world had come to the opinion that slavery was economically wasteful and morally indefensible. The American South stood alone in its opinions. To its people the whole situation involved a condition and not a theory. Whatever words were used to calm their fears, the leaders of the old South recognized instinctively that, in the middle of the nineteenth century, slavery, in order to maintain itself, required national recognition. Their aggressiveness arose, as so often in history, from their fears. Few Southern leaders expected to see the actual spread of the plantation system into the new West so much of which had recently been acquired from Mexico.

But if slavery were marked by the formal disapproval by the nation of its introduction there, it would be only a question of time until it would be attacked in the slave states themselves. Abraham Lincoln, who recognized the difficulty of the situation for the Southern people, saw to the heart of the matter when he said that if slavery were excluded from the territories, it would be placed in the way of ultimate extinction, not so much because it needed room to expand, but because such a measure would announce to the whole world, and make clear to Americans that slavery was economically outworn and morally wrong. Both Calhoun and Lincoln, different as were their convictions, agreed that nothing would stop the great controversy except the frank recognition of slavery by the nation.

In his valedictory to the Senate in 1850, Calhoun considered the preservation of the Union: "But can this be done? Yes, easily; not by the weaker party, for it can do nothing of itself—not even protect itself—but by the stronger. The North has only to will it to accomplish it—to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and to provide for the insertion in the Constitution, of an amendment, which will restore to the South in substance the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government." "Cease the agitation of the slave question!" there was the nub of Calhoun's solution! Even in making the suggestion he virtually acknowledged how hopeless it was when he turned to a Constitutional amendment which would sectionalize the nation politically as it was already sectional socially, by creating in each portion a Presidency with a right of

protective veto against national measures unfriendly to its peculiar institutions.

Ten years later, Abraham Lincoln frankly recognized the difficulty of the problem which Calhoun had set. What would satisfy the South and set the question forever at rest? "This and this only: cease to call slavery wrong, and join them in calling it right. And this must be done thoroughly—done in acts as well as in words." To such a sentiment Calhoun had already given his complete approval. Only so could the South be safe. Time was working against her, and she could not long afford to wait. So the South tried first to gain national recognition for her institutions and failing in that, retired to her secondary defense of states' rights and secession. Slavery must have national protection to live. If it could not have the national recognition of one nation, the United States of America, it must have that of another. Formally and legally, there is a logical contradiction between the policy of 1850 which demanded a stringent national fugitive slave law, national protection of slavery in the territories, national development of a Southern railroad to the Pacific, national acquisition of Cuba and Central America, and the final policy which emphasized in 1861 the reserved rights of the states and refused to allow the nation to reoccupy the Southern forts. Actually the contradiction was unreal, for the South in the decade between 1850 and 1860 was compelled from its own point of view to choose between national protection inside the Old Union or outside that Union.

It is a mistake to assume that the feeling of states' rights was much stronger in the South than in other parts of the nation. In the personal liberty acts fourteen Northern states went almost as far in the direction of nullification as South Carolina herself. Wisconsin in the case of *Ableman vs. Booth* even opposed the force

of a decision of the Supreme Court. On the other hand, the fugitive slave law was as extreme an expression of national power within the limits of the states as the recent legislation concerning the liquor traffic. Each section tended to turn to either nationalism or states' rights with legal inconsistency but with fidelity to their diverse social and economic ideals. From the very beginning, the controversy was not, as it had been at the time of the early nullification controversy in South Carolina, between the nation and a single state acting on its reserved rights, but between two sections of one nation divided over a great question of national policy. When the South asserted, and tried heroically to maintain its independence, it went as far as any American community in the development of national power over both state and individual. If the controversy had been essentially about the reserved rights of the States it could doubtless have been easily settled. As it was, going to the very heart of social and economic life in the nation, it was indeed, an irrepressible conflict! "The house divided against itself could not stand. It must become all one thing or all the other." So Lincoln stated the essential problem in 1858. Two years later at Cooper Union, he returned to the same idea: "All they ask we could readily grant, if only we did not think it wrong. Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy. Thinking it right, as they do, they are not to blame for desiring its full recognition, as being right; but thinking it wrong, as we do, can we yield to them?" Between these alternatives there was only one middle ground. That was the position of Cass and Stephen A. Douglas, finally accepted by a number of citizens in the North, that slavery was neither right nor wrong, at least from the national point of view, but that it was an in-

stitution which could be left to the judgment of each section. With common territory to divide and with constant points of contact such neutrality became increasingly difficult and finally as we shall soon see led to the dismal picture of civil war in Kansas.

Was the crisis of 1850 real or artificial? Was there then as in 1860 real danger of secession and civil war? These are questions which it is impossible to answer with certainty. Southern leaders had been greatly disturbed by the suggestion of the Wilmot Proviso which proposed to extend to the new territories the restrictions of the Ordinance of 1787. They had met this danger by the theory that the property of every citizen should be made safe everywhere in the national domain. But the Proviso had passed the House of Representatives more than once, and had only failed of final approval on account of the conservatism of the Senate. More than that, Oregon had in 1848 been organized as a free territory after a very bitter controversy, and many of the leaders of the North were advocating the abolition of slavery in the District of Columbia and the restriction of the interstate slave trade. The slave state of Missouri had been largely recruited by the new German immigration, and a powerful party even in that stronghold of the South was committed to the cause of gradual emancipation. One of the Senators from Missouri, Thomas H. Benton, was frankly a free soiler.

The adoption of such measures could be only the beginning of the end. But it is not likely that the leaders of the South, in an aristocratic society, powerful as they were, would have been able to lead their people into immediate secession. Even in 1860 the Union sentiment as far south as Georgia and even Texas was found to be very real. And in 1850, incidents like John Brown's raid had not yet taken place to create the necessary emo-

tional background for a policy of secession. Seward and President Taylor were probably too optimistic in assuming that there was no danger at all. Henry Clay and Daniel Webster were perhaps too anxious. Yet these older statesmen were probably more nearly right, and in the light of many evidences of bitterness they could not be blamed for fearing that there was danger for the Union which they loved.

Henry Clay was now an old man and he recognized for the first time the hopelessness of his great ambition. Although a slaveholder, his views on slavery were not unlike those of Jefferson, who had desired emancipation if some solution could be found at the same time for the larger racial problems which lay behind it. Clay had been for many years the President of the African Colonization Society which had once hoped to solve the double problem by the gradual voluntary emancipation of the slaves and their deportation to Africa. As late as 1849, the old Whig leader had advocated the adoption of a scheme of gradual emancipation by his native state of Kentucky, but sectional bitterness was now too great to win a hearing for such a measure. Clay now left his voluntary retirement at Ashland and secured reelection to the Senate to perform his last great service to the nation by using his rare eloquence and the influence of his great name in favor of a complete adjustment of all the questions that were at issue between the two well defined sections of the common nation.

President Taylor was now thoroughly committed to the admission of California as a free State, the encouragement of New Mexico to become a free State as soon as possible, and the use of national force to prevent the encroachment of Texas on the disputed boundary between that State and the national territories. To a deputation of Southern Whigs who protested against his policy, the

soldier President made it clear that if necessary he would place himself at the head of the troops to enforce these measures. During his campaign, he had promised that he would veto no constitutional measure which had been duly adopted by Congress. Seward and Thurlow Weed, his chief Northern supporters, had made it clear that the new President would sign the Wilmot Proviso if it passed the two houses of Congress. On the other hand, the radical Southern leaders were determined to secure national recognition of slavery. Their bitterness was increased by what seemed to them the treason of a Southern born President, who was himself an owner of slaves.

The Senate of the United States had now reached the climax of its influence and power. When Henry Clay arose to announce the measures on which he firmly believed that the destiny of the nation depended, he addressed an assembly which still contained his old rivals, Webster and Calhoun, representatives of the older days which were so soon to vanish, and in which also sat younger men, Seward of New York, Chase of Ohio, and Davis of Mississippi, who were destined to take the center of the stage when the older leaders had passed away. It is safe to say that no debate in American history has ever involved so many distinguished names or was awaited by the country with more eager anxiety.

Henry Clay advocated the immediate admission of California as a free state and the organization of two territories east of California, New Mexico and Utah, with no immediate provision as to slavery other than that which existed in their local laws, but with the right to become either free or slave states at the time of their application for admission to the Union. Texas was to agree to a limitation of her extreme claims to Santa Fé, and was to receive ten millions of dollars to be used to

redeem her old national debt. A stringent fugitive slave law should be passed to curb the illegal activities of the underground railway by which many slaves yearly escaped to the North or to Canada. The slave trade should be immediately abolished in the District of Columbia.

The admission of California as a free State would immediately give the free states thirty-two Senators against thirty from the slave states. Calhoun cared little about the other measures, but he was unwilling to accept the Compromise on this point, without a still more radical provision which would give the slave states a constant veto on unfriendly legislation. Calhoun was now old and about to die. He was too weak to deliver his speech but sat in his place as it was read by Senator Mason of Virginia. It was indeed a valedictory, for before the close of the session the great son of South Carolina was dead, leaving his unfinished task to younger men of whom the most eminent was Jefferson Davis of Mississippi.

The chief measure which was unpopular in the North was the strengthened fugitive slave law, the details of which were suggested by Mason. Suspected slaves were to be given a summary hearing by federal commissioners, but were to be denied the right of the writ of habeas corpus or trial by jury, and the whole power of the federal executive was to be used to enforce the law. President Taylor believed that the whole compromise scheme raised more difficulties than it could possibly settle, and the influence of the administration was used to secure its defeat. When William H. Seward arose to deliver a carefully prepared address, it was listened to with peculiar attention because he was rightly considered the spokesman of the President. The situation was curious in which the measure which was so dear to the heart of

the organizer of the Whig party was opposed by the second Whig President.

Seward was an attractive figure in national life. He had much of the learning of Sumner without his pedantry, and he was able to discuss principles without failing in personal courtesy to his opponents. His social charm and sense of humor made friends for him even in times of bitter hatreds. His close connection with one of the most astute of American politicians, Thurlow Weed of Albany, a political boss who had been largely responsible for the nomination of both Harrison and Taylor, and his unwillingness to make enemies led some of his more radical friends to ascribe all his words to ambition and to deny his complete sincerity. But even his enemies recognized his personal generosity and his willingness to leave old scores unpaid. His father had owned slaves before emancipation in New York, so that Seward was able to regard slavery not as a sin but as a national misfortune. But although he recognized with Clay and with Abraham Lincoln of Kentucky and Illinois the difficulties of emancipation, he believed that the time had come to take a definite stand against the expansion of slavery by the use of national power. It was the true policy of the nation and of the Whig party to restrict slavery within the narrowest possible limits. He opposed compromise partly because, with the persistent optimism which was one of the attractive features of his character, he regarded Clay's plan as entirely unnecessary and also because no compromise could be made on such a question without doing violence to the moral sentiments of a great part of the nation.

Although Seward was essentially a conservative, as he showed later in the cabinets of Lincoln and Johnson, he now used words whose radical implications he had perhaps not fully weighed and which went far, at a

later time, to costing him the Presidency: "The Constitution regulates our stewardship; the Constitution devotes the (national) domain to union, to justice, to defence, to welfare, and to liberty. But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness. . . ." Noble words, said many conservative men, but if we once allow an appeal from the Constitution to a higher law what will become of established order and security? From that time, persons who had not read the whole speech and who had not heard Seward explain that he saw no contradiction between the Constitution and the higher law, regarded Seward as a dangerous radical.

With such bitter opposition, the fate of the whole Compromise was in doubt. Much depended on the attitude of Daniel Webster, the representative of the great State of Massachusetts, whom many expected to become the next President of the United States. Both sides counted on his support. On the seventh of March, he arose in his place to deliver a speech, which made the day memorable. His address was a powerful appeal to the love of the endangered Union. He defended the fugitive slave law as necessary to carry out the plain provision of the Constitution. He argued that slavery was already excluded from New Mexico and Utah by their topography and climate. The Wilmot Proviso in such circumstances, would be a mere gratuitous insult to the South. He agreed with Calhoun in believing that the danger of secession and Civil War were largely due to the

folly of the abolitionists. He appealed to the Senate to pass the compromise measures and to the country to support them.

It was found impossible to pass the various measures at the same time, and in spite of the influence of the great Whig leaders, who were joined by Northern Democrats like Stephen A. Douglas of Illinois and Cass of Michigan, the fate of the whole scheme was long in doubt. In July, President Taylor suddenly died, and was succeeded by Millard Fillmore of New York, who immediately turned from Seward to Webster and made the latter Secretary of State. With the Administration aided by the vast power of executive patronage in favor of compromise, opposition suddenly crumbled and the Compromise of 1850 was written into the statutes of the nation. The original plan had been Clay's, but the decisive influence had belonged to Daniel Webster.

Webster's position had been in entire consistency with his previous record. For Webster was essentially a Constitutional lawyer, with all the conservative traditions of his profession. The fugitive slave law was a national measure to save the nation. So much Webster saw and remained blind to the absolute impossibility of enforcing such a law in the face of popular disapproval. His enemies in New England believed that he had made a bid for the Presidency, and he lost the support of his own section without winning the confidence of the South. Whittier pilloried him in a poem which the usually gentle Quaker came in later years to acknowledge as unjust:

"So fallen! so lost! the light withdrawn
Which once he wore!
The glory from his gray hairs gone
Forevermore!

Revile him not—the Tempter hath
A snare for all;
And pitying tears, not scorn and wrath,
Befit his fall!"

President Fillmore lost no time in trying to make the new fugitive slave law effective. Many of the fugitives had felt so safe in Northern cities that they had not troubled to go on into the safety of Canada. It is estimated that twenty thousand former slaves were living in the North. The law was retroactive and when a former slave was arrested in New York and sent back to his master, a great panic seized the negro population and many fled across the border. But in spite of its stringent provisions the law could not be effectively enforced in the face of constant opposition. The number of slaves who were returned was small and the cost was out of proportion to their value. More than once in New York, Pennsylvania, Massachusetts and Ohio, threatened slaves were rescued by mobs. By personal liberty laws state after state put legal difficulties in the way of the execution of the federal law. The officers of the state were prohibited from using the jails for the imprisonment of former slaves and from giving any aid to federal commissioners entrusted with the obnoxious duty. The state laws as to kidnapping made the path of the Southern agent particularly thorny if he made the slightest mistake as to the identity of the supposed slave. The activity of the underground railway increased. The total number of slaves who escaped was comparatively small, perhaps never exceeding one thousand in a single year, but the friction over the fugitive slave law served to increase the growing bitterness between the North and the South. *Uncle Tom's Cabin*, published in 1852, and read by hundreds of thousands, taught the rising genera-

tion that through this measure they were themselves made partners in a great wrong.

Some of these difficulties were still in the future. A nation cannot live forever at fever heat. In the rise of every quarrel there is an ebb and flow of passion. Few Northern communities ever saw a fugitive slave. In the South, the great majority of the slaves were undoubtedly contented and willing to remain under the control and the protection of their masters. The underground railway touched only the fringes of the plantation region. The general result was that after the first disappointment with the Compromise measures both in the North and in the South, the masses of the American people breathed a sigh of relief and settled back in the comfortable belief that the problem was solved. Jefferson Davis, who had opposed Clay's plan, went back to Mississippi to advocate a fair trial of its provisions. A Southern convention which had been called to meet at Nashville was thinly attended and aroused no general interest. Both parties declared in favor of the finality of the Compromise, and even Seward had little to say about the fugitive slave law, and devoted large attention to the visit of Kossuth and the wrongs of distant Hungary. Abraham Lincoln of Illinois lost interest in politics and devoted himself to his growing practice.

In the South, infractions of the law which made the foreign slave-trade piracy became more common and juries could not be found to convict the New York sea captains who were engaged in the lucrative trade. Influential men began to advocate the frank reopening of that trade to counterbalance the strength which the new immigration was bringing to the North. From 1849 to 1851, Narciso Lopez, a rebellious Spanish general, organized a series of filibustering expeditions against the neighboring island of Cuba, and received recruits and

money from those who desired to see another slave state added to the nation as a balance to the newly admitted California. In 1850, he captured, and for a few hours held, the Cuban city of Cardenas, but was compelled to retire on account of the lack of genuine support from the Cubans. In 1851 he landed near Havana with about four hundred young Americans. But military details were mismanaged and the members of the expedition were dispersed and captured by the energy of the ruthless Spanish Captain General Concha. Fifty-one were shot in the public square of Havana, and the rest were sent to a Spanish prison on the coast of Africa. A mob wrecked the Spanish consulate in New Orleans, and war with Spain was narrowly averted by the conciliatory policy of the Secretary of State, Daniel Webster. The United States, which had recently entered into a treaty with England in which each power promised not to dig an interoceanic canal without the consent of the other, now refused to make a joint agreement with England and France to guarantee Cuba to Spain. Many Americans, of whom the most notable was Stephen A. Douglas of Illinois, believed that "manifest destiny" was sure to carry the boundaries of the United States from the North Pole to the isthmus of Panama. With the death of the adventurous Lopez and his men, the idea of the acquisition of Cuba was laid aside for a time but not forgotten. There were those who saw that the promise which we had made to England as to the canal in the so-called Clayton-Bulwer treaty of 1850 might prove someday to be an entangling and embarrassing alliance.¹

During this interlude, which lasted for three years, occurred another Presidential election. Both parties

¹ For a fuller account of these episodes, see the present author's *Lopez Expeditions to Cuba*.

turned from natural leaders in the search of available candidates whose views on slavery were not too prominent. The Whig organization was controlled for the third time by Thurlow Weed, the President maker, who turned again to a national hero in the person of General Winfield Scott. But the Southern Whigs remembered another General too vividly to trust again any man whose chief adviser was likely to be the author of the famous phrase as to the higher law. Many Southern Whigs now left the party, either to become Democrats or to join for a time in the Know Nothing movement, directed against Roman Catholicism and foreign immigration. The Whig party practically disappeared throughout the South. In the North it was weakened by the discontent of the friends of Daniel Webster who believed that he was well entitled to the reward of the Presidency. The Democrats were aggressive and well organized. They had nominated an entirely colorless individual of no great ability in the person of Franklin Pierce of New Hampshire who had the double advantage of coming from a Northern State and of having no record to defend. During the campaign, the Whig papers were constantly in mourning, first for Clay and then for Webster, and the Whig party vanished with its founders. It had represented much of the wealth and the conservatism of the nation, but the controversy over the fugitive slave law had driven a wedge between its two sections from which it was entirely unable to recover. Weed's plan to place a third soldier in the White House failed, and Pierce was elected by an overwhelming vote. His victory was the climax of negation.

The new President, young, handsome in person, and with attractive social manners, fully recognized his own inexperience and leaned on able advisers to whom he was indebted for his place. The leaders of the administration

were William L. Marcy of New York, a political chieftain who was scarcely inferior in astuteness to Thurlow Weed himself, and who now filled with distinguished ability the position of Secretary of State; Jefferson Davis of Mississippi, trained at West Point, and well qualified for the office of Secretary of War; and Caleb Cushing of Massachusetts, a man of brilliant legal talents, whose enemies believed to be quite unembarrassed by moral scruples.

The question of slavery having been for the time settled and laid at rest, the administration developed a policy of national expansion which might bind together the discordant interests of the East, the West, and the South, and thus give permanency to its power. Cuba and Central America were to be annexed at the earliest opportunity, a railroad was to be built by the nation to the Pacific, preferably by a southern route starting from Memphis, and American commerce was to be fostered by the opening to trade of the great unexploited markets of China and especially of Japan. In the first year of the administration, the American Commodore Perry reached Japan and compelled that reluctant and hitherto hermit nation to open its doors to western influences and western ships. The significance of this event was not to be fully realized for many years. Similarly, under the direction of the Secretary of War, the whole west was surveyed for railroad routes, and the results which favored the southern route were published in ten large volumes. Mexico was persuaded to sell for ten millions of dollars the Mesilla Valley, which was later to compose the southern parts of the present states of Arizona and New Mexico and which would be indispensable for the building of the Southern Pacific Railroad. This so-called Gadsden Treaty also relieved the United States from the burdensome duty which it had assumed in the treaty of

peace of defending the northern states of Mexico from the incursion of American Indians.

But in the three-fold program of commerce, aided by ship subsidies, of a railroad built by the nation, and of expansion, the idea of the acquisition of Cuba was central. Cuba would make at least two states, and the danger of emancipation in the neighboring island was one which the lower South could not contemplate with equanimity. The interest in Cuba had not died with the failure of the romantic Lopez, and the cause which he had advocated was now being pressed by John A. Quitman of Mississippi who was with difficulty restrained from violating the neutrality laws of the nation. William Walker had already entered on a career of filibustering activity in Lower California and Nicaragua, in the course of which he led several expeditions, became for a short time President of Nicaragua, and at length, after strange adventures, was captured and executed in 1860. Both Quitman and Walker found no lack of adventurous young men ready to join in their expeditions.

The new minister to Spain was Pierre Soulé of Louisiana, who was instructed to attempt the difficult task of buying Cuba from reluctant Spain. Soulé was a fiery individual who did not aid his cause by a violent quarrel with the French ambassador which ended in a bloodless duel. He soon found that the pride of the Spanish nation would not allow any ministry to consider the sale of this last rich vestige of their vanished American empire. But the news that the *Black Warrior*, an American merchant ship, had been seized, and her cargo condemned in Havana, for a technical violation of the tariff regulations, seemed to Soulé a heaven-sent opportunity. On his own responsibility, he demanded an apology, a large indemnity, and the prompt recall of the Captain General of Cuba, terms which he well knew could not be accepted

and which would probably lead to a welcome war. The Spanish Minister of Foreign Affairs shrewdly suspected that Soulé had exceeded his instructions and with admirable self-control proceeded with complete disregard of Soulé's ultimatum to arrange the whole matter directly with the owners of the *Black Warrior*.

When the news of the diplomacy of Soulé reached Washington, he was asked to consult with James Buchanan, the minister to St. James', and with John M. Mason, the American minister to France. Marcy, coming from a Northern constituency, probably hoped that the experience of Soulé's older colleagues would cool the ardor of his troublesome minister to Madrid. But the two others had an eye to politics or fell under the charm of the ardent Soulé. In any case they issued from Ostend a public manifesto, one of the strangest documents in the history of diplomacy. It was nothing less than a defence of international highway robbery. After describing the importance of Cuba to the United States, the three Americans announced that America must have Cuba, by peaceful purchase if possible, if not by war. By the time that the news of this measure reached America, the whole country was again in the throes of a great excitement over the question of slavery in Kansas, and imperialism had to wait for a more favorable time.

The period immediately following the war with Mexico had been one of unusual prosperity. Capital had been seeking investment, population was entering the Northwest with great rapidity, and the new communities demanded federal assistance in the building of railroads. In 1850, a large tract of land had been assigned to the Illinois Central Railroad and its southern tributaries. St. Louis and Chicago were already railroad centers of importance, and rivals for the new route to the Pacific. The representative of the Northwest and of Chicago in

the Senate was Stephen A. Douglas of Illinois. Douglas had been born in Vermont and like so many others had come to the West to make a career. He was of short stature but he had personal courage and also a rough good-fellowship which won his way in the politics of the frontier. Beyond Illinois, lay the new states of Iowa and Wisconsin, tributary to Illinois and to her chief city. Beyond Iowa lay the Indian country, dedicated to freedom by the Missouri Compromise at a time when few foresaw the extent of western development. For six years, Douglas had been pressing for the removal of the Indians to the present Oklahoma, and the creation of territories in the West which would be certain to become states. When population which had dammed up against the Indian country should spread into the new frontier, the path of the Pacific railroad would be fixed by economic demand, and Chicago would become the chief metropolis, instead of Memphis or St. Louis. Stephen A. Douglas was not the man either to forget the interests of the section which had sent him to the Senate or to allow the prestige of great achievements to fall to the lot of his rivals in the cabinet of President Pierce. The real issue was between Douglas and Davis, between the Northwest and the Southwest. In essential accord with the views of Douglas were the senators from Michigan, Wisconsin, Indiana, and Iowa.¹

When Congress met in December of 1853, "the Little Giant," as Douglas was fondly called by his admirers, was ready to press his imperial plans. But he would evidently need support from other regions. Above all, he must conciliate the probable opposition of Missouri

¹ The motive of Douglas in his Kansas-Nebraska bill is a mooted question. For the view given in the text see F. H. Hodder, "Genesis of the Kansas-Nebraska Act," in Wisconsin State Historical Society, *Proceedings*, 1912; for another view see P. O. Ray, *The Repeal of the Missouri Compromise* (1909).

which had a railroad terminus of her own in St. Louis. In this he was assisted by the local situation. The Democratic party in Missouri was divided into two bitter factions. The one led by the old Missouri leader Thomas H. Benton, found its chief strength in the anti-slavery and commercial section of the state near St. Louis. Benton had been defeated by David Atchison, who represented the western, hemp-growing, and plantation region of Missouri. A part of the Indian country, which later became Kansas, lay directly west of Missouri and came under the terms of the Missouri Compromise of 1820. With free Iowa to the north and free Illinois to the east, and with a growing party in Missouri which was committed to the idea of gradual emancipation, the position of Kansas was evidently strategic in the great contest which was sure to come. The possibility of a free Kansas would be the gravest kind of a danger. It was probably to gain the support of Atchison and his following in Missouri that Douglas introduced his Nebraska bill in a new form. In a previous measure, he had said nothing about slavery in the region to be gained from the Indians by treaty. He now proposed that the question of slavery should be determined by the people who entered the territories, according to the precedent which in 1850 had been established for New Mexico and Utah. The idea of popular or "squatter" sovereignty which Douglas thus incorporated in this bill had in the campaign of 1848 been advocated by Cass of Michigan as an alternative to the Wilmot Proviso.

Precisely what did the bill mean? Did it mean that the Missouri Compromise would remain in force as long as the region was a territory and that only when there was sufficient population to give warrant for admission as a state the people were to determine for themselves whether they should have slavery or freedom? If this

was the intention, popular sovereignty was merely another form of state sovereignty which no one disputed seriously. Such a concession was evidently barren from the point of view of the endangered Missourians, for if slavery were excluded in the formative period of settlement, it was extremely unlikely that a community which owned no slaves would deliberately introduce the system into their state constitution when they came to form one. Or did the bill mean that the earliest settlers were to decide the question for themselves, either individually or in small groups? Then the Missouri Compromise had been repealed and the neighboring people of Missouri might hope to secure the establishment of slavery in Kansas.

In the great debate which followed the introduction of what is perhaps the most momentous single measure in American history, both sides were determined to make this essential point perfectly clear. Dixon of Kentucky introduced an embarrassing amendment to the bill calling for the specific repeal of the Missouri Compromise. Sumner of Massachusetts introduced another which arranged for the organization of the territory with an equally definite provision that the Compromise should remain in force by which Congress prohibited slavery in this region. As in his later debate with Lincoln, Douglas was compelled to choose between two horns of a difficult dilemma. He had probably hoped in the beginning to secure the virtual repeal of the Missouri Compromise without making a specific declaration to such effect. He might thus avoid the ill will of the North.

In the shaping of his plan Douglas had not consulted the Southern leaders. His only desire was to secure the rapid development of the West, and in his contest for the organization of Nebraska he had learned that his hopes were not likely to be realized so long as Nebraska was closed to slavery. A few of the Southern leaders had

argued from the beginning that the Missouri Compromise was void because without due process of law it deprived a part of the people of property. But such a position was difficult to maintain in the light of the long established precedent of the Ordinance of 1787, and there was certainly no general demand in 1854 for repeal. Indeed the South had everything to lose and nothing to gain by a measure which would make it almost impossible to carry out the imperial policy for the Southwest which had been developed by Jefferson Davis. But now that the issue was joined, the temptation of an immediate gain, illusory as it was to prove, was too great for statesmanship. As at the time of the Wilmot Proviso, the two sections were again divided on a question of national policy. Douglas hoped to be President, and he must for this purpose win the support of the Southern wing of his party.

On Sunday, January 22, Douglas and Jefferson Davis called on the reluctant President and persuaded him to lend the powerful assistance of his administration to the repeal of the Missouri Compromise. On the next day, Douglas introduced his bill in a new form. The territory was to be divided at once into two parts, Kansas and Nebraska, and the Missouri Compromise was declared repealed. As in the previous bill, the question of slavery was to be left to the people of the territories. Although Douglas said that he "did not care whether slavery was voted up or down," the people of western Missouri believed that the region which lay just west of them was to be a slave state and that the northern part was to be free. In this form, the bill was carried through both houses partly by the parliamentary skill of Douglas and partly by the powerful pressure of the national executive.

By this time public opinion in the North was at fever

heat. The first effect of the bill was to bring together many diverse elements in the population which had differed as to the abstract question of slavery, but which were united in their opposition to the violation of what they regarded as a sacred pledge. A caucus of the opponents of the bill in Congress suggested a new organization to be called the Republican party, and the name was adopted by state conventions which met during the summer in Michigan and Wisconsin. The situation was similar to the one in 1773 when Lord North's tea act had kindled anew the flickering opposition to England. More remotely, the South lost what seemed an excellent chance of real expansion, and the confidence of both sections in the finality of compromises was rudely shaken. Even the Compromise of 1850 to which both great parties had been definitely committed in the last campaign, now began to seem shadowy and unreal. Public confidence and security had been undermined. In the later stages of the great contest, more than one fairly acceptable compromise was suggested, but these failed because, after 1854, no one would trust to a compromise unless it was incorporated by amendment, even by irrevocable amendment, in an inflexible constitution. And when the crisis finally came, the process of amendment proved too slow for swiftly racing events. Whatever may have been true before, it is probable that from 1854 the contest was really irrepressible, and that no human foresight or genius could have suggested a solution. "The Greeks did not understand each other any longer."¹

¹ Much new light on the events of this period is contained in the biographies of Jefferson Davis by William E. Dodd, of Stephen A. Douglas by Allen Johnson, and of William H. Seward by Frederic Bancroft. Each of these lives has great literary charm. For the period after 1850, Rhodes (J. F.), *History of the United States from the Compromise of 1850*, is, of course, an essential authority.

CHAPTER XIX

LINCOLN, DOUGLAS, AND DAVIS AND THE ELECTION OF 1860

THE central theme of the six years which followed the passing of the Kansas-Nebraska Bill was a contest for supremacy between the forces in the nation which before the middle of the period came to be definitely exemplified by Abraham Lincoln, Stephen A. Douglas, and Jefferson Davis. This contest culminated in the election of Lincoln and the secession of the South.

The careers of the three leaders had been typical of American opportunity. Lincoln had been born in Kentucky, February 12, 1809. His father was one of the wandering class of poor whites. Lincoln's mother was uneducated but had ambitions for her son which were not smothered even by the weariness of great poverty. Lincoln always ascribed to his mother the idealism and mental vigor which made him great. The family had moved from place to place; they migrated from Kentucky to Indiana, and finally settled in the newer country of Illinois. The mother had died when Lincoln was a small boy. In spite of the dreary hardships of his boyhood, the young Lincoln had read a few books, especially the Bible, Weems' *Life of Washington*, Blackstone, Euclid's *Geometry*, and later the plays of Shakespeare, and he developed an English style which had at once clearness and musical quality. From his study of

Euclid, he had learned to reason in a singularly direct and convincing manner. As a flatboat captain, and then as the keeper of a small store, he had acquired the art of making friends. No one could tell a story better or use it more aptly to point a moral. Though the materials for his anecdotes were sometimes crude, Lincoln was a literary artist, with the special advantage of never being conscious of it. When he began to practice law in Springfield, his rise in the profession was rapid, in spite of his somewhat careless ways of doing business. When a speech was to be made, Lincoln was likely to be called on by his fellow-townsmen. Everything he said convinced his neighbors that he was honest, a quality which was partly a product of his mother's influence and partly of his clear and logical mind. The young lawyer had been sent to the legislature as a Whig, and had served a term in the federal Congress, where he had won some national prominence as one of the supporters of Taylor for the Presidency. He had even been invited to make a Whig speech in Boston. But he had failed of reelection, and had retired not unwillingly to his growing but not too lucrative practice. In 1854, he was highly respected locally, but he had gained no prominence which would have made any prophet foresee that he might rival and surpass more experienced political leaders like Chase of Ohio and especially Seward of New York. In the long run the very obscurity of his formative years proved a distinct advantage to his ambitions.

Jefferson Davis had been born in the same state of Kentucky one year earlier than Lincoln, but his family, originally not wealthy, had found a richer economic opportunity in the cotton country of Southwestern Mississippi. Davis had been educated at a Kentucky college, and had later gone to West Point, where he had come into contact with many of the future military leaders of

the Civil War. His elopement with the daughter of General Taylor had not served to soften a constant antagonism between himself and his famous father-in-law. After his retirement from the army on account of ill health, the result of exposure in a western army camp, he devoted himself to his plantation and to politics. By 1854 he was a man of wealth and the recognized successor of Calhoun.

Douglas was a younger man, having been born in distant Vermont in the first year of the War of 1812. He had come as a young man to Illinois, where he had become ostensibly a lawyer, although he had never the patience to study the intricacies of his craft. Almost from the beginning he had been professionally a politician, passing from one post to another. There was no better stump speaker in the country. Douglas had an uncanny skill in placing an opponent in the wrong, and in addressing great audiences he had the advantage of a singularly clear, deep, and musical voice. He had the reckless audacity in debate which endeared him to Western audiences. In his first debate with Douglas, Lincoln acknowledged that he expected the audience to stay to the end for the pleasure which it would give them to see Douglas "skin me." In spite of their political differences, the two men came to have real respect and even personal liking for each other. Lincoln recognized the patriotism of Douglas, and at a time when many thought that Lincoln was a mere buffoon, Douglas was among the first to say that the new leader of the Republican party was a man of great ability. Both Lincoln and Douglas had married Southern women, and the children of Douglas owned slaves which they had inherited from their grandfather in North Carolina. Both men were thus enabled to understand the points of view of both sections when to many other leaders the ideas

and the problems of their opponents were closed books. In 1854, Douglas, like Davis, was the recognized leader of his section.

The Southern leaders accepted the Kansas-Nebraska bill without enthusiasm, just as they had accepted the Compromise of 1850. They liked the repeal of the Missouri Compromise, which seemed to them to remove the stigma of national disapproval from slavery; but they looked with suspicion on Douglas' "great principle" of popular sovereignty. Some of the more radical believed that the new idea was quite as unconstitutional as the old and foresaw that it might be used to deny protection to slave property in the territories. Others would have preferred a division of the national territory along the old line of $36^{\circ} 30'$, with the adoption of a policy of national expansion south of that line. But so far as repeal went, they were willing to await the issue, especially since it made slavery far safer in the endangered outpost of Missouri.

But if the South was lukewarm, there could be no doubt of the bitterness of the North at the reopening of the settled question and at the violation of a long-standing agreement. To make the situation more ominous, conservative men who had always despised an abolitionist as an enemy of the public peace, now joined with radicals in denunciation. District after district elected Anti-Nebraska men to the legislature and sent men of similar views to Congress. Even the magic of Douglas could not quell the storm. As he travelled west, he said that the line of the railroad was lit by the glare of fires which arose around his effigies. In Chicago, which he had tried to serve, he attempted with characteristic courage to address the unfriendly crowd. Even his powerful voice could not rise above the jeers, hisses, and threatening shouts, and for the first time in his career he was compelled to leave the platform.

Further south he was listened to but without the old enthusiasm. Douglas argued that the Kansas-Nebraska bill had been essential to the opening of the West and that without such a measure of compromise the region west of Illinois would have become a permanent Indian reservation. The principles of his bill were not new but had been included in the Compromise of 1850 for New Mexico and Utah, and Douglas appealed to the great names of Webster and of Clay in the defence of these principles. Above all, he did not hesitate to contend that the fundamental idea of the measure was essentially right, being nothing more nor less than the application to the new situation of the ideas of democracy and local self-government. With every speech it was evident that Douglas was winning ground and there was danger that he would be accepted as the prophet of the North.

The opponents of the Kansas-Nebraska measure now turned to Lincoln, who found in the situation his great personal and political opportunity. The debate which now commenced continued with some change of circumstances through the Senatorial contest of 1858, and in the Presidential campaign which followed. In all these years it was Lincoln's constant purpose to secure for the conservative forces a basis of principle, and at the same time to make the moral and national issue so prominent that the compromise of Douglas could not be accepted. Other leaders, such as Seward, Chase, and Wade, were also speaking, but there was a clearness and a consistency in the arguments of Lincoln which gradually secured for him the position of intellectual leadership in the contest. Lincoln also had the immense dramatic advantage of coming from the same state with Douglas and of speaking in direct personal debate with him. At Springfield, and again at Peoria, Lincoln replied to the defense made by Douglas of the repeal of the Missouri Compromise.

Lincoln said that the whole measure was unnecessary, for Iowa, Wisconsin, and Minnesota had been organized quite recently with acts which recognized the principles of the Compromise of 1820. The new measure was a radical departure from the ideas of the Revolution, the leaders of which had regarded slavery as an evil to be restrained and placed in the way of ultimate extinction. And finally and above all, the whole idea of popular sovereignty in the still unpeopled territories was wrong because the question was of greater importance to the nation than it was to the first few settlers who arrived. Lincoln said from the beginning that he did not contend for the abolition of slavery in the states where it existed. If he had lived in the South he would have been unable to advise a solution of the existing difficulty. Slavery was a condition for which the people of the North were quite as responsible as those of the South. Lincoln said again and again that he did not desire to give to the negro the ballot or to recognize his social equality. He also recognized from first to last the necessity of carrying out the requirement for the return of the fugitive slave. But this very necessity made it of interest to the whole nation to restrict slavery to the narrowest possible limits. The problem was national in its scope, and could not be solved by leaving it to the local self-government of the territories.

In clearness of conception, in analysis of principles, in shrewd appeal to the conservative and radical forces which must be united to win an ultimate decision, in the absence of the personalities which marred some of the speeches in his later debates with Douglas, Lincoln's Peoria speech of 1854 was probably his greatest. To the principles which he then announced he remained constant even in the storm of war, and there was clear evidence that he had not changed when under very different

and difficult circumstances he had to face the question of the reconstruction of the defeated South. The essential question was the recurrent struggle between nationalism and localism in government: "Whether slavery shall go into Nebraska, or other new territories, is not a matter of exclusive concern to the people who may go there. The whole nation is interested that the best use shall be made of these territories. We want them for homes of free white people. This cannot be brought about to any considerable extent, if slavery shall be planted within them. Slave States are places for poor white people to remove from, not to remove to. New free States are the places for poor people to go to, and thus better their condition." In those sentences spoke the democracy of the son of Thomas Lincoln. Slavery was wrong, slavery was of national importance, therefore slavery must be put in the line of ultimate extinction!

In the meantime the scene of action changed to the plains of Kansas. There was little expectation that a section in which in winter the thermometer sometimes went down to thirty degrees below zero would be the scene of another plantation region like the black belt of Mississippi. But if enough slave owners could be persuaded to enter the territory to establish slavery legally as a legitimate form of property, slavery would be reasonably safe in Missouri and in the other border states. The advance into Kansas from Missouri was essentially defensive, and from the point of view of those who regarded slavery either as right or as morally neutral there was much to be said for the fairness of an arrangement which the people of western Missouri thought that they had been promised. Had not the free states secured Nebraska? Why should they also covet Kansas?

Unfortunately for such a plan the plantation system was peculiarly immobile. While one planter sold his

lands and arranged for the transportation of his slaves, ten poor white men could move to Kansas with their families. Then too, slavery required the certainty of protection. Each field hand was worth a thousand dollars. One hundred slaves represented a large fortune. Only an idealist would move his slaves to Kansas until slavery was protected by law, and he could not well come there to live himself and leave his capital behind. In the first winter, while settlers were beginning to pour into Kansas, only nineteen slaves were brought, and their owner had the greatest difficulty in protecting them against the unusual cold. From the very beginning, most of the permanent settlers were therefore from the free states or at least unattached to slavery.

Seward had uttered the direct challenge of the North in the speech in which he closed the debate in opposition to the Kansas-Nebraska bill: "Come on, then, gentlemen of the slave states. Since there is no escaping your challenge, I accept it in behalf of the cause of freedom. We will engage in the competition for the virgin soil of Kansas, and God give the victory to the side which is stronger in numbers as it is in right." Eli Thayer had immediately organized the New England Emigrant Aid Society which enlisted settlers as if for war and provided them with the funds for the western journey. Branches of this society were formed in hundreds of counties in northern states. The rush of settlers reminded old forty-niners of the great movement to California. Some of these went with their wives and families to secure new homes and farms. Many others, like John Brown and his four stalwart sons, went to vote and to fight. To the people of western Missouri the whole movement seemed nothing less than barefaced theft. The first avenue to Kansas was by way of the Missouri River, but when this was closed by the persistent hostility of the Missourians

who placed an embargo on the traffic, the settlers came across country through the friendly soil of Iowa.

The position of the first federal governor, Andrew Reeder of Pennsylvania, appointed by President Pierce, was by no means enviable. An election was held in the spring of 1855 for the first territorial legislature, but the conditions were unfavorable to a fair trial of popular sovereignty. When the election day came, hundreds of men from western Missouri, armed to the teeth, appeared at the polls and secured the election of a legislature entirely orthodox. When the legislature met, Governor Reeder tried to compel it to adopt as a capital a town in which he had taken the precaution to buy many of the most desirable lots. When the legislators insisted on meeting in the far east, where they could be protected either from Missouri or by federal troops, Reeder denounced the legislature as a fraud and went to Washington to lay his complaints before the President. The legislature, which occupied the strategic position of having legal authority, proceeded to pass a stringent code of laws for the protection of slaves. It was made a penitentiary offence to suggest that slavery might be abolished in Kansas. Reeder was promptly removed from office by the President, who was now thoroughly committed to the cause of slavery in Kansas, and Shannon of Ohio was appointed in his stead.

In the meantime, the free state settlers had called a constitutional convention of their own and had organized a provisional and extra legal government with Lawrence as a capital. They adopted a free state constitution modelled on that of Iowa and appealed for admission to the Union. There were thus two rival governments, each demanding recognition. The free state settlers even elected a Governor of their own in the person of an old California settler of considerable ability, Dr. Charles

Robinson, who was aided by the deposed Governor Reeder. The possibility of trouble had drawn to Kansas many actual settlers, some men of sincere principles which they carried to the length of fanaticism, like John Brown and Bufford of Alabama; the latter had sold his plantation and organized an expedition, armed with Bibles and rifles, to make Kansas safe for slavery. These men were aided by a considerable number of adventurers who cared little about principle but who were eager for the spoils of civil war. Kansas, which Douglas had pictured as a scene of the peaceful exposition of his great principle of democracy, had become a cave of Adullam to which thronged "every one that was in distress, every one that was in debt, and every one that was discontented."

Governor Shannon barely averted the outbreak of war in the fall of 1855. In the spring of the next year the proslavery forces attacked Lawrence in the guise of arresting some of the leaders. The hotel and the newspaper offices were gutted and the property of the settlers was destroyed. John Brown, a fanatic who had made the destruction of slavery the chief idea of his life and who conceived himself as endowed by the Almighty with the prophetic functions of one of the ancient Judges, had come to Kansas to keep the contest alive and to make the war in Kansas the beginning of a greater crusade. He had settled with his sons on the Ossawatimie, about forty miles from Lawrence. When he heard that Lawrence was in danger he led his band towards the capital for its defence. But the news reached him that he was too late. He turned back determined to make an example of proslavery settlers and so make Kansas a free state. He and his sons visited four houses and in the dead of night dragged five men from their beds and murdered them in cold blood. This was the beginning of

similar atrocities on both sides in which two hundred persons lost their lives and two millions of property was destroyed. There were many law abiding citizens on both sides but these were intimidated by the guerrilla bands which infested the country. Shannon was no man to cope with the storm, and fled for his life. The year 1856 was a Presidential year and further disturbances in Kansas would be certain to defeat the Democratic party. Geary, a strong executive, was appointed Governor. The Missourians were persuaded to remain at home, and order was at least temporarily restored. But the question of the ultimate fate of Kansas had not been solved. The chief importance of the events in Kansas was in creating the emotional background for a great contest.

In the meantime, Charles Sumner of Massachusetts had delivered a carefully prepared two day address on the floor of the Senate entitled, "The Crime of Kansas." Sumner was a man of ability, but he had none of the personal generosity of Seward or the sanity of Lincoln. He was inordinately proud of his classical attainments and modelled his speeches on the Philippics of Demosthenes. In the course of his remarks he made a bitter attack on South Carolina and on her Senator Butler, an old man of blameless character. Seward had begged Sumner to modify his phrases but Sumner's literary vanity would not permit. Sumner said that Butler was a man who had "chosen as his mistress the harlot slavery." He ridiculed Butler's weakness for wine, and he said that when Butler spoke "there was no deviation from truth that he did not make." These insults were all the more bitter because they were evidently carefully prepared and delivered with all the superciliousness of manner of which Sumner was a master. Somewhat later, he compared Douglas "to the noisome, squat and nameless animal whose tongue switched a perpetual stench." His

friends regretted a speech that weakened a cause which needed no such defence.

Two days later, Brooks, a nephew of Butler and a Congressman from South Carolina, appeared before Sumner's desk where the Senator was writing in the recess of the Senate and struck him violently over the head with a heavy cane. Brooks continued his assault until the cane was broken, inflicting injuries from which Sumner never completely recovered. The assault was the more cowardly because Brooks was accompanied by two friends to prevent interference. Sumner was hemmed in by his desk and had no chance to defend himself. Brooks was censured by the majority of the House, but not by the two thirds majority requisite for expulsion. He resigned his place, was fêted in Richmond and received as a hero in South Carolina, and was triumphantly reëlected. Sumner was also reëlected although he was unable to attend again the sessions of the Senate until 1860. In ordinary times such a speech as Sumner's could not have been delivered in the Senate, and such an act as Brooks' would have ruined any political career. The whole incident was important as an indication of the intensity of bitterness which goes far to account for much that followed. Burlingame, Sumner's colleague in the Senate, challenged Brooks to a duel to be fought with rifles across the Canadian border. Brooks accepted the challenge but failed to appear.

In the Presidential campaign of 1856, the Republicans refused to nominate their natural leader, William H. Seward, who had naturally made enemies in the course of a long political career, especially among the Know-nothing group which it was hoped to conciliate. Just as the Whigs had twice turned from Clay to successful soldiers, so the Republicans now nominated John C. Fremont, the son-in-law of Benton, who had gained some

fame by his explorations in the far West. The platform called for the prohibition of slavery in the territories. The Democrats turned from Pierce and Douglas to nominate Buchanan who was personally popular in Pennsylvania and who had been fortunate in his absence on a foreign mission during the troubles in Kansas. The Know Nothing group nominated ex-President Fillmore. The acute difficulties in Kansas were at an end, Kansas seemed sure to become a free state, Buchanan was deemed safe and conservative, and in a close election the Democrats gained a majority of the electoral college although they were in a minority of the popular vote. The next House was also safely Democratic. The election was the result of one of those conservative reactions which are likely to follow great excitement.

During the whole of the Presidential year the Supreme Court of the United States, of which the Chief Justice was the aged Roger B. Taney of Maryland, had before it the celebrated case of *Dred Scott vs. Sanford*. Dred Scott was a slave whose master had taken him in 1838, while the Missouri Compromise was still unrepealed, to a town in Nebraska and thence, by way of Illinois, back to Missouri. The negro had fallen into the possession of Sanford, an opponent of slavery, who determined to make a test case of the position of the slave. What had been the effect on his present status in Missouri of the slave's residence in Nebraska and in Illinois? In a long and costly process of litigation the courts of Missouri had declared that he was still a slave. A lower federal court had said that he was free. And the question came before the Supreme Court for review. The case had been transferred to the federal courts on the ground of the diverse citizenship of the parties, Dred Scott claiming to be a citizen of one state, Missouri, and Sanford being undoubtedly a citizen of New York. If Dred Scott was

a citizen of Missouri within the meaning of the Constitution he could sue, and if he could sue he was evidently free. A favorable decision would have no importance to Scott personally, for it was well understood that he would in any case be freed, but it would free every slave who was carried to a territory in which slavery was prohibited and might have the same effect for those who had been carried to free states. Further, it would have the effect of allowing the free negroes of one state to reside at pleasure in another, under the clause in the constitution which grants to the citizens of each state the privileges and immunities of citizenship in the several states.

In a previous case where negroes had been carried temporarily to Ohio and then back to Kentucky, the court had held that the citizenship and the status of individuals as slave or free is to be determined in each state by the laws of that state as interpreted by its own courts. Since the negroes were slaves under the laws of Kentucky, the court had declared that they were still slaves. Although the Dred Scott case differed from the earlier case on account of the trip to federal territory, it was essentially similar and could have been settled on similar principles. A decision which refused to consider the arguments of the counsel for Scott and which regarded the decision of the Supreme Court of Missouri as final was written for the court by Justice Nelson. But the counsel for Dred Scott had raised grave questions, and two of the members of the Court believed that their arguments were sound. About the time of the Presidential election, Taney was persuaded to reopen the case, to consider the merits of the various propositions which had been raised by Scott, and thus to settle forever the twin problems of the citizenship of the free negro, which might become troublesome in the border states, and of

the great question of slavery in the territories, a question which had come so close to dividing the Union.

The secret had not been well kept and it was openly whispered in Washington that the Court was about to solve all the vexed questions. The chief points in the decision had been accurately forecast by the astute correspondent of the New York *Tribune*. Accordingly, when the new President suggested in the course of a mild inaugural that the question of slavery was likely to be settled by the Supreme Court, he suggested what every one knew and could not fairly be charged with collusion to interfere with a judicial decision. Three days after the inauguration, the Supreme Court announced their momentous decision.

In answer to the plea of Scott, Taney held, first, that a negro never had been a citizen of a state within the meaning of the Constitution, and that the fact of negro blood alone had always been sufficient to debar a person from claiming the privileges and immunities of citizenship, notably, of course the right to sue a citizen of another state. It was in this connection, that Taney used the unfortunate phrase, which he meant as a historical statement, that a "negro has no rights that a white man is bound to respect." In the second place, Taney held that the trip to federal territory had not conferred freedom even during the residence in the territory, because Congress has no right to govern a territory in such a way as to deprive the citizens of the various States of their property without due process of law. Finally, he held, according to the precedent in the earlier case, that the effect of the trip to Illinois was to be determined by Missouri and her Courts.

Each of the nine members of the Court wrote a separate opinion. Of these five agreed substantially with the Chief Justice. Justice Nelson insisted on deciding

the case against Scott on the narrow ground which had at first satisfied the court, and the other two, Curtis and McLean, wrote dissenting opinions. The weakest point in Taney's opinion was the historical section, for Curtis was able to show fairly conclusively that negroes had actually been treated as citizens and had even been given the right to vote in more than one state at the time of the adoption of the Constitution. The historical precedents for the national regulation of such questions as slavery in the territories were also extremely strong. Taney could not be fairly charged with delivering mere *obiter dicta*, for the questions which he answered were actually before the court, and were considered both by counsel and in the dissenting opinions of Curtis and McLean. But the wisdom of making so sweeping a decision when a narrow view would have been equally decisive in the case before the Court, especially at a time of great political excitement, and the legal and historical correctness of the positions taken by the court, were open to the gravest question.¹

The decision of the Supreme Court from which the new President hoped so much did not relieve him from the problems of Kansas which he had inherited from the last administration. Robert J. Walker reluctantly consented to serve as Governor on the distinct understanding that he would be fully supported by the President. His first measure was to call a Constitutional convention to be elected by the residents of Kansas. He urged every one to vote, but the free state men did not trust the President or the new governor, having already had quite enough experience with federal authority. They made the mistake of not going to the polls, and the result was

¹ See E. S. Corwin, "The Dred Scott Decision," *American Historical Review*, XVII.

that the members of the Convention were proslavery to a man.

The constitutional convention met at Lecompton and adopted a constitution which gave full protection to slave property. It refused to submit the whole constitution to a popular vote, but following advice which had been received from Washington, referred the measure to the people to be accepted either with a provision for the importation of slaves or without such an arrangement. Governor Walker who was thoroughly committed to the cause of popular sovereignty, objected on the ground that those who disapproved the entire Constitution which gave protection to existing slaves were prevented from expressing their dissent. Buchanan now refused to support Walker in the stand which he had taken, and the fourth governor of Kansas resigned. The convention, encouraged by the President, had its way and submitted the Constitution "with or without slavery" to the people. The free state men, now by common consent the great majority of the people of the territory, refused again to vote and the Lecompton Constitution was declared adopted. Under its terms, Kansas applied for admission to the Union. In the meantime the free state party voted in a regular election for members of the legislature and so gained control for the first time of the legal government of the territory. The new legislature submitted the Lecompton Constitution to a vote of the people and in this election it was overwhelmingly defeated. Thus when Congress met in December of 1857 it had before it an application from Kansas based on a constitution which had been legally adopted according to the President of the United States and which was a bare-faced fraud according to ex-Governor Walker.

Buchanan made the acceptance of the Lecompton

Constitution the test of party regularity. His forces in the Senate were ably led by Jefferson Davis, the former Secretary of War, who had now returned to represent Mississippi in the Senate. But Stephen A. Douglas believed sincerely in the principle of popular sovereignty which had been violated, and he was a candidate for reelection to the Senate. He well remembered his reception in Chicago in 1854 and he knew that a vote for the Lecompton Constitution would spell the end of his long political career. He broke definitely with the President and used every resource of his eloquence and parliamentary skill against the whole administration plan. In spite of his efforts which showed much of his well-known personal courage, the Senate voted to accept the Lecompton measure. The House rejected it, and a compromise was adopted which referred the Constitution for the third time to the people of Kansas. The reference was accompanied by a promise that if Kansas would accept the Lecompton measure the new state should be given a large amount of the public land. If it rejected the proposed constitution, the territory could not be admitted to statehood until it had 93,000 people. Douglas opposed the compromise as being a direct and indirect bribe and thus interfering with the free exercise of the popular will. For the first time in the history of Kansas every one voted, and the constitution was rejected. Kansas remained a territory until the eve of the war.

The Stephen A. Douglas who had been hissed from the platform in 1854, now returned to Illinois a popular hero. His popularity was increased rather than diminished by the fact that Buchanan was opposing him and was using all the power of executive patronage to elect unfriendly members of the legislature which would select the next Senator. Many Republicans of 1854 and 1856 had come to believe that popular sovereignty was not so

bad a thing as they had believed and they acknowledged that Douglas had shown courage and consistency to principle. Leaders in the east, especially the temperamental editor of the New York *Tribune*, Horace Greeley, advocated non-interference in the Senatorial election. They were quite willing to accept the formerly hated "Little Giant" at least as an ally if not as a leader through whom they might win the next election. The transformation was astonishing for Douglas was now popular in the North and was hated as a traitor in the South.

The leader of the Republican party in Illinois and their candidate for the office which Douglas had so long filled was of course no other than Abraham Lincoln. If he were to succeed, indeed, if his party were to keep its hold on the people of Illinois, Lincoln must stem the rising tide of Douglas sentiment. In the campaign which followed he must show that while Douglas was true to the idea of popular sovereignty, his views on the extension of slavery had not changed and that he could not be accepted as leader by sincere anti-slavery men without the sacrifice of their own principles. In this situation, Lincoln was compelled to take more radical ground than formerly. The danger which he saw was that men might learn to accept popular sovereignty as a convenient substitute for the national limitation of slavery. In his speech of acceptance of the Senatorial nomination, Lincoln tried to show that the acceptance of popular sovereignty had been a mere prelude to the Dred Scott decision and that the new decision would be in its turn a prelude to a second decision which would complete the nationalization of slavery by protecting slaves when they were brought by the masters to the free states.

It was evident that the effect of the three measures, the strengthened fugitive slave act of 1850, the repeal of the

Missouri Compromise in 1854, and the Dred Scott decision in 1857, would, if these remained the law of the land, strengthen slavery as a national institution. But in charging a direct plot between Pierce, Douglas, Buchanan, and Taney to nationalize slavery, Lincoln was evidently unfair, for Buchanan had not been in the country at the time of the Kansas-Nebraska Act, and there was no evidence to show that he had consulted Taney about his decision. In his analysis, however, of the logic of the situation, Lincoln made a case which in 1858 convinced first many reluctant men in Illinois, and in 1860 a majority of the Northern people, that there was an essential conflict between slavery and freedom which could not be compromised and which must in the end lead to national approval or national rejection. In his speech of acceptance, Lincoln said: "In my opinion (agitation) will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall; but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South."

The Lincoln-Douglas debates have usually been described as if Lincoln's fundamental purpose was to drive a further wedge between the two sections of the Democratic party. But Lincoln was too astute a politician not to see that that party was already divided almost beyond the hope of reunion. The true problem from the point of view of a Republican was to keep Douglas from

winning the support of the North, first in his campaign for the Senate and then in that for the Presidency. For every one knew that with the growth of population, the North would determine the next election. Thus Lincoln said to his friends who were half persuaded by the advice of Greeley: "Our cause must be entrusted to and conducted by, its own undoubted friends,—those whose hands are free, whose hearts are in the work, who *do care* for the result."¹ A Douglas who believed in "Popular Sovereignty," however sincerely, and who at the same time advocated the immediate annexation of Cuba, evidently did not come within the terms of this description.

Lincoln challenged Douglas to a series of joint debates and the two rivals met in one town of each of the Congressional Districts. The debates were attended by great crowds and through the full reports in the papers were really listened to by the whole country. The telegraph and the modern newspaper had made it impossible for a candidate to say anything in one section which he did not desire to say also in all the other parts of the country. Douglas was the most interesting figure in American politics and the debates made Lincoln for the first time a national figure.

To each of the debaters the Dred Scott decision was a source of embarrassment. Abraham Lincoln stood on a platform which demanded Congressional laws to restrict the spread of slavery. The Dred Scott decision had said positively that Congress had no such power under the Constitution. And yet Lincoln was a lawyer with the traditional conservatism of his profession and he was addressing audiences which had been brought up to revere the Supreme Court of the United States as the almost infallible exponent of the Constitution. It was an opening which so astute a debater as Douglas was not

¹ *The Writings of Abraham Lincoln* (National Edition), III, 12.

slow to use. In the first debates Lincoln was to some extent on the defensive.

A worse lawyer or a less honest man might have met the issue by claiming that the Dred Scott decision was extra judicial, mere *obiter dicta*. Not so Lincoln. It is characteristic of the clearness of his thinking and of the fundamental intellectual sincerity of the man that only once and then in a tentative way did he speak of the possibility that the Dred Scott decision might not be a real judicial opinion. After some hesitation, in contrast with many others who have built up the account of the decision which has become traditional, Lincoln met the question squarely. The decision was clearly binding in the case of Dred Scott, and the opinions of the Court would control other similar cases. Lincoln did not attack the force of the decision, but he challenged its legal and historical correctness. But courts do not act *in vacuo*; in their constitutional decisions they are registering the dominant ideas of the country. At Galesburg Lincoln said, "This is but an opinion, and the opinion of one very humble man; but it is my opinion that the Dred Scott decision as it is, never would have been made in its present form if the party that made it had not been sustained previously at the elections. My own opinion is that the new Dred Scott decision, deciding against the right of the people of the States to exclude slavery, will never be made if that party is not sustained at the elections." The next year at Cincinnati in a speech which was essentially a continuation of the debates with Douglas his thinking had become still more clear and radical: "The people of these United States are the rightful masters of both Congresses and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution."¹

¹ Lincoln, *Writings*, V, 109.

But if the Dred Scott decision was a source of trouble to Lincoln until he had cut the Gordian knot, it was no less dangerous to Douglas. Douglas said that in supporting popular sovereignty for the territories he had been true to his principles in times of good report and in evil. He had almost convinced the people of the North that he was a suitable leader. He now stood as the defender of Courts in general and of the Dred Scott decision in particular. At Freeport, Lincoln asked his famous question: "Can the people of a United States territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution?" If Douglas answered "Yes," he would have to discard the Dred Scott decision, for the people of a territory subordinate to Congress can do nothing which Congress itself, the legal sovereign of that territory, may not do. If he answered "No," he would yield the fundamental principle of squatter sovereignty. Douglas was compelled to hedge in the answer which he promptly gave: "It matters not what the Supreme Court may hereafter decide as to the abstract question whether or not slavery may or may not go into a territory under the Constitution; the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations."

The importance of Douglas' Freeport Doctrine did not lie in its novelty for Douglas had foreseen the question and had already made precisely the same answer on the floor of the Senate of the United States. His doctrine was already well known to the Southern leaders with whom Douglas could not be made more unpopular than he was. But Douglas was the only Democrat who had the remotest chance of carrying the North in the next

election. Without the North he could not be elected, no matter what the South did or did not do. A large part of his popularity was due to the fact that he seemed to be a man of sincere convictions who was being persecuted by the President for principles which had actually resulted in making Kansas free. He might also hope to win conservative votes by his defence of the Supreme Court and its decision. But the publicity given to the Freeport doctrine made it clear, first, that Douglas was no more a defender of the Court than Lincoln himself. Had he not virtually proposed indirect nullification of judicial opinions? And even popular sovereignty was through his conclusion to be reduced to a mere shadow of itself. Instead of being the expression of the will of the sovereign people on a clear question of policy, it became a doubtful process of indirect nullification. As Lincoln put it, popular sovereignty "had got down as thin as the homeopathic soup that was made by boiling the shadow of a pigeon that had starved to death." In a very close election, Douglas retained enough of his popularity to be reelected to the Senate, but starting his campaign with a probable majority of the Northern people, he had ended with many of his followers alienated and distrustful. Lincoln had succeeded in his fundamental purpose, and his able speeches had made likely the election of the next Presidential candidate of the Republicans whom most people were accepting as the leader, William H. Seward of New York.¹

¹ It is only fair to state that the interpretation of the Lincoln-Douglas debates given above is different from the traditional view which supposes that Lincoln's purpose was to divide Douglas from his Southern friends. This view assumes friends who, after the Lecompton struggle, were largely non-existent. An examination of many Southern newspapers of the period makes this point perfectly clear.

John Brown of Ossawatimie had left Kansas in fear of arrest after the murders on the Pottawatomie in May of 1856. He had worked out a plan to lead an expedition to some place in the mountains which reached into the heart of the South and to make his force a nucleus for the liberation of the slaves. The details of his plan are somewhat vague today as they probably were in the mind of the leader. Brown gained financial assistance from Gerrit Smith, a wealthy philanthropist in New York, and from a group of Boston radical abolitionists. He was also in touch with Frederick Douglass, the leader of the free negro community in the North, and with a group of escaped slaves who lived in Canada. There was probably a touch of madness in Brown, at least eight of his close relatives having been insane. But there was also a heroic element which saw no difficulties and avoided no hardships. In any case he was able to recruit largely from the same type of men who had been engaged in the civil war in Kansas a devoted band of young men who came to believe in the practicability of his schemes. The expedition was to have made its attack in 1858, but the premature revelation of his plans by a subordinate compelled Brown to postpone the day of wrath. He went again to Kansas, where his long beard and an assumed name served as a sufficient disguise. For Brown was then an outlaw and always subject to arrest. From Kansas he led an expedition into the neighboring Missouri, where he captured eleven somewhat reluctant slaves, and in spite of federal pursuit carried them across the friendly state of Iowa to safety in Canada. The horses which he had taken at the same time were sold to help pay the expenses of the expedition.

In the summer of 1859, Brown rented an old farm house on the north side of the Potomac opposite Harper's Ferry. He had with him a band of twenty-one men in-

cluding five negroes. One of his friends in Iowa, seeking to save Brown's life, wrote an account of the plot and sent it to Floyd, the Secretary of War, but the whole thing seemed so fantastic that no attention was paid to the missive.

After many delays, on the night of the sixteenth of October, 1859, John Brown led his men across the river and seized the federal arsenal at Harper's Ferry. He had managed to capture some slaves with their owners, but the negroes seemed to have no enthusiasm for the cause and held the arms which he gave them in a listless manner, apparently more afraid of their liberators than of a return to slavery. By noon of the next day Brown was surrounded by militia and the next morning his position was stormed and he himself was captured by militia under the command of Colonel Robert E. Lee. In the two days four citizens were killed as well as ten of the conspirators. Five of the band of twenty-two managed to make good their escape, while seven, including Brown, were arrested, tried and executed, Brown himself being led to the gallows on the second of December.

The importance of the incident lay in the fact that while in prison Brown was able through his letters and the words which were reported by the watchful newspaper correspondents to become a symbol of the irrepressible conflict. After his capture, he was visited by Congressman Vallandigham of Ohio, who asked him, "Who were your advisers in this movement?" Brown replied, "I cannot answer that. I have numerous sympathizers throughout the entire North. . . . I want you to understand, Gentlemen, (to the reporter of the *Herald*)—you may report that—I want you to understand that I respect the rights of the poorest and weakest of the colored people oppressed by the slavery system, just as much as I do those of the most wealthy and powerful. This is the idea

that has moved me and that alone. We expected no reward except the satisfaction of endeavoring to do for those in distress and greatly oppressed as we would be done by. The cry of distress of the oppressed is my reason, and the only thing which prompted me to come here. . . . I wish to say further, that you had better, all you people of the South, prepare yourselves for a settlement of this question that must come up for settlement sooner than you are prepared for it. The sooner you are prepared the better. You may dispose of me very easily. I am nearly disposed of now; but this question is still to be settled, this negro question, I mean; the end is not yet." In spite of the fact that the leaders of the Republican party had known nothing of John Brown or his plans, such prophecies helped to make secession inevitable after the election of 1860. In many Southern communities, the names of Lincoln, Seward, and Brown were linked together in common hatred. On the other hand, the execution of old John Brown became a symbol in many a Northern village which made it difficult to accept such a compromise as was offered by Stephen A. Douglas of Illinois. Thousands began to care very definitely whether slavery were voted up or down. To this very day a double legend has grown up around the name of John Brown, which sometimes neglects his ruthless disregard for law, and sometimes overlooks the elements of idealism and heroism in his strange character.

The Congress which met in the winter of 1859 was marked by a tone of bitterness which was ominous.¹

¹ The angry passions aroused by John Brown's raid were increased by the widespread publication of a book by Helper, a representative of the 'poor whites' of North Carolina, which the author called 'The Impending Crisis' and in which he attacked slavery as the fundamental cause of the poverty of his own class. In some places Helper

The members seemed representatives of two unfriendly foreign powers rather than the legislators of a single nation. The bonds of sympathy and common understanding which had once united the people of the two sections had now been broken. All eyes now turned to the approaching election. Early in February, Jefferson Davis delivered the ultimatum of the South in resolutions which demanded as the necessary sequel of the Dred Scott decision the national protection of slavery in the territories.

The administration of James Buchanan had been unfortunate from the first. The good times which had lasted for more than a decade ended in 1857 with a financial panic, the effects of which were felt throughout his term. In the same year, the chief leaders of his party had divided on the Kansas question, and now the Administration was still further weakened by a Congressional investigation which seemed to indicate widespread corruption among its subordinates.

The Democrats met in convention in April in the old city of Charleston, South Carolina. Both sections of the party did lip service to the Dred Scott decision but the followers of Douglas still insisted that it was consistent with the principle of popular sovereignty, while the Southern wing, aided by the followers of the Administration demanded a plank providing for the national protection of slavery in the territories. The convention divided on this issue and both sections adjourned. The Northern Democrats nominated Douglas at Baltimore, while the administration group selected Breckinridge of

seemed to demand a class struggle between the poor whites and the planters. Helper's book had been carelessly endorsed by the Republican candidate for Speaker of the House, John Sherman of Ohio, and the book was widely used as a Republican campaign document. After a long struggle Pennington of New Jersey was made Speaker.

Kentucky. A group of conservatives, which had its chief strength in the border states, nominated Bell of Tennessee and Everett of Massachusetts on a short platform which called for the preservation of the Constitution and the Union without any mention of the central problem of slavery.

In the meantime the Republicans, encouraged by the division of their opponents into three factions, met at Chicago. The leading candidate was William H. Seward of New York, but other states had their favorite sons, including Chase of Ohio, Cameron of Pennsylvania, Bates of Missouri, and Abraham Lincoln of Illinois. Lincoln's campaign was ably managed, and he was the hero of the crowds which thronged the gallery and who used the then novel methods of unlimited noise to aid the cause of their candidate. At the beginning Lincoln would have been satisfied with selection as the nominee for Vice-President. On the first ballot it was quite evident that the choice was Seward against the field. But Seward had enemies, especially Horace Greeley, the influential editor of the *New York Tribune*, who had once been a close friend but who had broken with Weed and Seward over a state office. Greeley was indefatigable in his arguments, and he managed to persuade a majority of the delegates that Seward was too radical to poll the full vote of the party. Seward was also weakened by the support of Weed, who was regarded as a machine politician. By an unexpected combination of the opposition, Abraham Lincoln was selected on the third ballot. The delegates from New York had been instructed, in case it became apparent that Seward could not be nominated, to transfer their votes to Lincoln. This instruction was the result of Lincoln's speech in the Cooper Union, February 27, 1860. From the point of view of the later history

of the country, his selection may be regarded as a fortunate accident.

The other candidates pursued the usual course of remaining at home leaving speech making to their lieutenants, but Douglas toured the country, north, east, and west in what came to be called in later days a "Whirlwind" campaign. The central theme of his speeches was the necessity of preserving the Union, a theme which gave the dignity of deep sincerity to his words. In Norfolk, Virginia, and in Raleigh, North Carolina, he was asked questions which it required genuine courage to answer. The first question ran: "If Abraham Lincoln be elected President of the United States, will the Southern states be justified in seceding from the Union?" "To this I answer emphatically, no. The election of a man to the Presidency of the American people, in conformity to the Constitution of the United States, would not justify any attempt at dissolving this glorious confederation. Now I will read you the second question and answer it. 'If they, the Southern states, seceded from the Union upon the inauguration of Abraham Lincoln, before he commits an overt act against their constitutional rights will you advise or vindicate resistance by force to their secession?' (Voices of Bell men were heard crying, 'No, no, Douglas.') I answer emphatically that it is the duty of the President of the United States, and all others in authority under him, to enforce the laws of the United States as passed by Congress and as the courts expound them. And I, as in duty bound by my oath of fidelity to the Constitution, would do all in my power to aid the government of the United States in maintaining the supremacy of the laws against all resistance to them, come from what quarter it might."¹

When Lincoln was inaugurated in March of 1861,

¹ Quoted by Fite, *The Presidential Campaign of 1860*, p. 181.

Douglas kept this promise to the letter. He did not regard his position, as did some lesser Democrats, as giving him an opportunity for obstruction, but according to the good old British precedent, in a great crisis he was the leader of "His Majesty's Opposition." Douglas defended the inaugural address on the floor of the Senate in March and soon after left for Illinois to speak in defence of the same cause which he had advocated in the campaign.

On his way to the West, he was called to the window of his darkened room in the American House in Columbus and addressed a great crowd in the street below. An eye witness has painted the scene: "I remember well the serious solicitude with which I listened to his opening sentences as I leaned against the railing of the State House park, trying in vain to get more than a dim outline of the man as he stood at the unlighted window. His deep, sonorous voice rolled down through the darkness from above us,—an earnest, measured voice, the more solemn, the more impressive, because we could not see the speaker, and it came too, literally as a voice in the night,—the night of our country's unspeakable trial. There was no uncertainty in his tone: the Union must be preserved and the insurrection must be crushed,—he pledged his hearty support to Mr. Lincoln's administration in doing this. Other questions must stand aside till the national authority should be everywhere recognized. I do not think we greatly cheered him—it was rather a deep amen that went up from the crowd."¹ In June, Douglas was dead at the early age of forty-seven, worn out by the strain of a great crisis, as well as by personal excesses and financial misfortunes. Like his great rival, he died at the moment when he seemed destined to perform his greatest service to the nation. Even his

¹ J. D. Cox, *Military Reminiscences of the Civil War*, I, page 6.

most bitter enemies, and he had many, did not deny that a great figure had passed from the stage of American politics.

Abraham Lincoln was elected by an electoral vote of 180 against a combined total of 123 for his three opponents. His popular vote was 1,866,452, while the total popular vote of his three rivals was almost exactly one million more (2,815,617). Lincoln's votes had come exclusively from the free states, in most of which the election had been close, and his only real contest was with Douglas. It has been almost universally assumed that the result was due to the division of the opposition. If that is true, the immediate cause of Lincoln's election and therefore of secession and civil war was the quarrel at Charleston which divided the Democratic party. But such was not the case. A glance at any table of votes will show that if the Conservatives had been able to unite on any one of Lincoln's three opponents, and if that antagonist had received every vote which was cast for Douglas, for Breckinridge, and for Bell, Lincoln would have lost only eleven electoral votes and would still have been elected by 169 electoral votes to 134 for the opposition.¹ It is true that Lincoln was a minority President, but he was elected because he had been able to persuade a narrow majority in the Northern states which had a majority in the electoral college that he was a safer leader than Douglas. As Douglas pointed out, when Davis asked him to withdraw in the interests of harmony no other man could have made the election even close. It is probable that divided as they were the Democrats polled their maximum vote and had a better chance of defeating Lincoln than under any single conceivable candidate. From the time of the Kansas-Nebraska Bill

¹ This statement may be verified by the table of votes conveniently given in Stanwood, *A History of the Presidency*, Volume I, page 297.

the contest had been for the North with its electoral votes, and on that issue the people of the states which constituted the larger section of the nation had spoken and Lincoln had won. The Southern leaders were correct when they said that the North, and not their own quarrels, had made Abraham Lincoln President of the United States. With startling suddenness, the old issues were swept away and the new question to be solved was the question of Union or the breaking up of the Republic.¹

¹ The election of 1860 was essentially a *pair* of elections. In the terms of European politics, it was between a conservative and a radical in each section. The vote of Douglas in the South and of Breckinridge and Bell in the North was practically negligible. The fact that the radical won in each section and that the Northern section was the larger determined the result.

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